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Compiler's Note

The Journal of the Senate for the regular session of 1998 is bound in two separate volumes. Volume One contains January 12, 1998 through March 12, 1998. Volume Two contains March 13, 1998 through March 19, 1998 and the complete index.

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JOURNAL
OF THE
SENATE
OF THE
STATE OF GEORGIA



REGULAR SESSION
1998
VOLUME ONE

Commenced at Atlanta, Georgia, Monday, January 12, 1998
and adjourned Thursday, March 19, 1998



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STATE SENATE

1998

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OF THE
SENATE OF GEORGIA
ALPHABETICALLY ARRANGED ACCORDING TO NAMES,
WITH DISTRICTS AND ADDRESSES
FOR THE TERM 1997-1998

<u>Senators</u>	<u>District</u>	<u>Address</u>
"Ralph David" Abernathy, III (D)	..... 38 ..	Atlanta
Don Balfour (R) ..	.....9 ..	Lilburn
Peg Blitch (D) .....	.....7 ..	Homerville
Edward E. Boshears (R) .....	.....6 ..	Brunswick
Rooney L. Bowen (D) .....	..... 13 ..	Cordele
Paul C. Broun (D) .....	..... 46 ..	Athens
Robert Brown (D) .....	... 26 ..	Macon
B. Joseph "Joey" Brush, Jr. (R)	.. 24 ..	Appling
Joe Burton (R) .....	...5 ..	Atlanta
Casey Cagle (R)	49 ..	Gainesville
Don Cheeks (D)	23 ..	Augusta
Charles C.(Chuck) Clay (R)	37	Marietta
Mike Crotts (R)	17	Conyers
Nathan Dean (D)	31	Rockmart
Michael J. Egan (R)	40	Atlanta
Vincent D. Fort (D)	39	Atlanta
Hugh M. Gillis, Sr. (D)	20	Soperton
Pam Glanton (R)	34	Riverdale
Edwin A. Gochenour (R)	27	Macon
Floyd L. Griffin, Jr. (D)	25	Milledgeville
A. C.(Bob) Guhl (R)	45	Social Circle
Ed Harbison (D)	15	Columbus
Steve Henson (D)	55	Stone Mountain
Jack Hill (D) .....	..... 4 ..	Reidsville
George Hooks (D)	14 ..	Americus
Waymond "Sonny" Huggins (D)	53 ..	LaFayette
Donzella J. James (D)	35 ..	College Park
Diana Harvey Johnson (D) .....	.....2 ..	Savannah
Eric Johnson (R) .....	.....1 ..	Savannah
Rene' D. Kemp (D) .....	.....3 ..	Hinesville
Robert Lamutt (R)	21 ..	Marietta
Clay Land (R)	16 ..	Columbus
Steve Langford (D)	29 ..	LaGrange
Eddie Madden (D)	47 ..	Elberton
Richard O. Marable (D)	52 ..	Rome
Guy Middleton (D)	50	Dahlonega

Mary Margaret Oliver (D)	...	....	42	..	Decatur
Sonny Perdue (D)	.....		18		Bonaire
Rick Price (R)	.....	..	28		Fayetteville
Thomas E. Price (R)	....	..	56		Roswell
Harold J. Ragan (D)	.....	.....	11	..	Cairo
David Ralston (R)	.....	.....	51	..	Blue Ridge
Billy Ray (R)	.....	.....	48	..	Lawrenceville
Sam P. Roberts (R)	....	.....	30	..	Douglasville
David Scott (D)	.....	.....	36	..	Atlanta
Terrell Starr (D)	.....	.....	44		Forest Park
Connie Stokes (D)	.....	.....	43		Decatur
Van Streat (D)	.....	.....	19	..	Nicholls
Charlie Tanksley (R)	..	.....	32	..	Marietta
Mark Taylor (D)	.....	.....	12	..	Albany
Nadine Thomas (D)	....	.....	10	..	Ellenwood
Don R. Thomas (R)	....	.....	54	..	Dalton
Steve Thompson (D)	... ..	.....	33		Powder Springs
Loyce W. Turner (D)	... ..	.....	8		Valdosta
James W. (Jim) Tysinger (R)	....	.....	41	..	Atlanta
Charles W. Walker (D)	.....	.....	22	..	Augusta

The following messages were received from the House through Mr. Rivers, the Clerk thereof: www.libtool.com.cn

Mr. President:

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 725. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution to notify the Senate that the House of Representatives has convened.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 726. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution to notify the Governor that the General Assembly has convened.

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

Representatives Poag of the 6th, Smith of the 12th, Powell of the 23rd, Teague of the 58th, Buckner of the 95th, Hudson of the 120th and Holland of the 157th.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 727. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Governor.

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

Representatives Stanley of the 49th, Shanahan of the 10th, Rogers of the 20th, Jenkins of the 110th, Allen of the 117th, Purcell of the 147th and Sims of the 167th.

HR 728. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Governor.

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

Representatives Snow of the 2nd, Barnes of the 33rd, Orrock of the 56th, McBee of the 88th, Bailey of the 93rd, Mosley of the 171st and Thomas of the 148th.

HR 729. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution inviting the Justices of the Supreme Court and the Judges of the Court of Appeals to be present at a joint session of the House of Representatives and the Senate to hear a message from the Governor.

HR 730. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

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A resolution calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court.

The following resolution was read and put upon its adoption:

SR 460. By Senators Perdue of the 18th, Walker of the 22nd, Scott of the 36th:

Adopting the Rules of the Senate; and for other purposes.

BE IT RESOLVED BY THE SENATE that the Rules of the Senate in force at the adjournment of the regular 1997 session of the General Assembly are hereby adopted as the Rules of the Senate for the regular 1998 session of the General Assembly and for the duration of this General Assembly, with the following amendments which are also hereby adopted:

SECTION 1.

The Rules of the Senate in force at the adjournment of the regular 1997 session are amended by striking the first sentence of Rule 10 and inserting in its place a new sentence to read as follows:

“The oath of office prescribed by subsection (a) of this Code section may be administered to the members of the General Assembly by any Justice of the Supreme Court, Judge of the Court of Appeals, or judge of the superior courts, or judge of the state courts.”

SECTION 2.

Said rules are further amended by striking the first sentence of the fourth paragraph of Rule 17 and inserting in its place a new sentence to read as follows:

“No person or group shall be introduced or allowed to address the Senate after the ~~thirtieth (30)~~ twentieth legislative day of a regular session.”

SECTION 3.

Said rules are further amended by striking the third paragraph of Rule 88 and inserting in its place a new paragraph to read as follows:

“Any bill or resolution postponed to a day certain shall take its place at the bottom of the Calendar under which the Senate is operating on the day to which it was postponed; except that after the ~~nineteenth~~ tenth day of any regular session, a bill or resolution postponed for the second time shall be placed on the General Calendar for the day to which it was postponed.”

SECTION 4.

Said rules are further amended by striking Rule 97 and inserting in its place a new rule to read as follows:

“Rule 97. All bills and resolutions reconsidered shall take their place at the foot of the calendar of bills then in order for a third reading; however, during the last ~~twenty-one (21)~~ thirty (30) legislative days of each session, a reconsidered bill or resolution which was passed or adopted shall take its place at the foot of the Rules Calendar, and a reconsidered bill or resolution which was defeated shall be placed on the General Calendar.”

SECTION 5.

Said rules are further amended in Rule 185 by striking the number "13" which designates the number of members of the Health and Human Services Committee and inserting in its place the number "14" and by striking the number "6" which designates the number of members of the Interstate Cooperation Committee and inserting in its place the number "7"

SECTION 6.

Said rules are further amended by adding to Rule 185A(d) a new paragraph (8.2) to read as follows:

"(8.2) No Senator or staff shall knowingly commit any crime involving moral turpitude or knowingly possess, use, manufacture, or distribute any controlled substance, dangerous drug, marijuana, or alcoholic beverage in violation of any state or federal law or any county or municipal ordinance. Conviction of any such crime, the acceptance of a plea of guilty or nolo contendere to any such crime, or payment of a criminal or administrative penalty for any such crime shall constitute a violation of this rule."

Senators Clay of the 37th and Tanksley of the 32nd offered the following amendment:

Amend SR 460 by adding at line 33 of p.2 after the 1st word "or" the following word, "imposition"

On the adoption of the amendment, the yeas were 50, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 55, nays 0.

The resolution having received the requisite constitutional majority, was adopted as amended.

The following resolutions were read and put upon their adoption:

HR 726. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

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A resolution to notify the Governor that the General Assembly has convened.

On the adoption of the resolution, the yeas were 45, nays 0, and the resolution was adopted.

The President appointed as a Committee of Notification the following Senators: Perdue of the 18th, Walker of the 22nd, Hooks of the 14th, Starr of the 44th, Dean of the 31st, Gillis of the 20th and Broun of the 46th.

SR 461. By Senators Perdue of the 18th, Walker of the 22nd and Scott of the 36th:

A resolution to notify the House of Representatives that the Senate has convened.

On the adoption of the resolution, the yeas were 42, nays 0, and the resolution was adopted.

HR 727. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Governor.

On the adoption of the resolution, the yeas were 43, nays 0, and the resolution was adopted.

HR 728. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Governor.

On the adoption of the resolution, the yeas were 41, nays 0, and the resolution was adopted.

HR 729. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution inviting the Justices of the Supreme Court and the Judges of the Court of Appeals to be present at a joint session of the House of Representatives and the Senate to hear a message from the Governor.

On the adoption of the resolution, the yeas were 44, nays 0, and the resolution was adopted.

HR 730. By Representatives Walker of the 141st, Murphy of the 18th, Lee of the 94th and others:

A resolution calling a joint session of the House of Representatives and the Senate for the purpose of hearing a message from the Chief Justice of the Supreme Court.

On the adoption of the resolution, the yeas were 41, nays 1, and the resolution was adopted.

SR 464. By Senator Broun of the 46th:

A resolution recognizing and commending Dr. Michael F. Adams as the newly appointed president of the University of Georgia.

On the adoption of the resolution, the yeas were 39, nays 0, and the resolution was adopted.

The following bills were introduced, read the first time and referred to committees:

SB 402. By Senator Egan of the 40th:

A bill to amend Title 11 of the Official Code of Georgia Annotated, relating to the commercial code, so as to comprehensively reorganize and rewrite Article 8, relating to investment securities; to provide a short title and definitions; to provide rules for determining whether certain obligations and interests are securities or financial assets; to provide for acquisition of a security or financial asset or interest therein.

Referred to Committee on Special Judiciary.

SB 403. By Senator Land of the 16th:

A bill to amend Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to motor vehicle instruction permits, graduated licensing, and related restrictions, so as to apply a driving record under a learner's permit previously issued by another state toward meeting eligibility requirements for a Class D driver's license.

Referred to Committee on Public Safety.

SB 404. By Senators Middleton of the 50th, Madden of the 47th and Ralston of the 51st:

A bill to amend Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to grants for educational programs, so as to change the eligibility for and method of calculating the amount of state grants for joint after-school programs for at-risk students; to provide for related matters; to provide an effective date.

Referred to Committee on Education.

SB 405. By Senators Guhl of the 45th, Starr of the 44th, Gochenour of the 27th and others:

A bill to amend Article 6 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to feticide, so as to further define the offense to include self-inflicted injury to a pregnant woman or a quick fetus which injury results in the death of a quick fetus; to provide an effective date and for applicability.

Referred to Committee on Special Judiciary.

SB 406. By Senators Guhl of the 45th, Starr of the 44th, Price of the 56th and Crotts of the 17th:

A bill to amend Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to prohibitions against loitering at or disrupting schools, so as to provide that it shall be unlawful for any person to remain upon the premises or within the school safety zone of any public or private school in this state when that person does not have a legitimate cause or need to be present thereon.

Referred to Committee on Education.

SB 407. By Senators Scott of the 36th, Walker of the 22nd, Egan of the 40th and others:

A bill to amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving dangerous instrumentalities and practices in general, so as to provide that it shall be unlawful for any person negligently to allow a minor to obtain possession of a pistol or revolver; to provide for criminal penalties.

Referred to Committee on Judiciary.

SR 459. By Senators Madden of the 47th, Cheeks of the 23rd, Oliver of the 42nd and Middleton of the 50th:

A resolution censuring the Senator from the 38th District for misconduct.

Referred to Committee on Ethics.

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A resolution proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection.

Referred to Committee on Corrections, Correctional Institutions & Property.

SR 467. By Senators Middleton of the 50th, Marable of the 52nd and Hooks of the 14th:

A resolution creating a Blue Ribbon Study Committee on Funding of the "Quality Basic Education Act"

Referred to Committee on Education.

The following communications were received and read by the Secretary:

STATE OF GEORGIA
Office of the Governor
Atlanta 30334-0900

TO: Honorable Pierre Howard
Honorable Thomas B. Murphy

FROM: Mark H. Cohen

DATE: April 24, 1997

RE: Line Item Vetoes in House Bill 204

Please be advised that Governor Miller has line item vetoed the following Sections in House Bill 204:

Section 8, Page 7, "Local Assistance Grants \$2,110,000"

Section 11, Page 12, "Applied Technology Labs \$2,400,000"

Section 11, Page 12, "Learning Logic Sites \$1,100,000"

Section 23, Page 23, "Recreation \$1,000,000"

Section 23, Page 23, "Chattahoochee River Basin Grants \$2,900,000"

Section 27, Page 28, "Capital Outlay \$200,000"

Section 39, page 35

Section 40, Page 35, Second Paragraph, including all local assistance grants through Page 38

Section 43, Page 39, Second Paragraph

Section 43, Page 39, Third Paragraph

Section 45, Page 40, Second Paragraph

Section 47, Page 41, First Paragraph after Item (f)

Section 56, Page 43

Section 57, Page 44, Fourth Full paragraph beginning "From the appropriation designated 'State General Funds (New)', \$827,875 is specifically appropriated for the Department of Technical and Adult Education...."

Section 57, Page 44, Fifth Full Paragraph beginning "From the appropriation designated 'State General Funds (New)', \$118,000 is specifically appropriated for the purpose of financing projects and facilities for the Board of Regents...."

Section 57, Page 45, First Full Paragraph beginning "From the appropriation designated 'State General Funds (New)', \$545,750 is specifically appropriated for the purpose of financing projects and facilities for the Georgia Ports Authority...."

Section 57, Page 45, Fifth Full Paragraph beginning "From the appropriation designated 'State General Funds (New)', \$1,715,220 is specifically appropriated for the purpose of financing facilities for the Department of Education...."

The veto messages are attached for each item referenced above.

GOVERNOR'S VETOES IN HOUSE BILL 204

Section 8, page 7, line 310 and Section 40, pages 35 through 38, lines 1581 through 1707, pertaining to the Department of Community Affairs:

This line item contains \$2,110,000 allocated for 89 separate local assistance grants. \$17,412,335 was appropriated for this purpose in the F.Y. 1997 original budget and another \$6,702,636 was added in the F.Y. 1997 Amended Budget during the 1997 Session. In this time of budget redirection and fiscal constraint, it seems only proper that other priorities should be more carefully considered. Adequate resources were made available through the F.Y. 1997 budget to address local project needs. The funds in this line item could be better allocated to high priority needs such as education. Therefore, this line item and the corresponding individual grants are vetoed.

Section 11 pertaining to the Department of Education, page 12, line 518:

While state funds have been used since F.Y. 1988 to selectively fund vocational education equipment for new or modified high school vocational labs, lottery funds have been used since F.Y. 1995 to fund computer equipment for Introduction to Technology courses for new or modified high school vocational labs.

Since F.Y. 1995, almost \$10 million in lottery funds has been appropriated for this purpose. However, like the vocational education equipment purchases, most of the schools receiving these funds are not new facilities. The \$2.4 million appropriation in F.Y. 1998 would provide computers for 24 schools in 20 local systems, only seven of which are new.

The equipment purchased under this program consists of regular personal computers. In addition to this funding object class, nearly \$124 million in lottery funds has been dispersed to local school systems for new classroom computers since the beginning of the Lottery for Education program.

Computer equipment for classrooms, including those used for Introduction to Technology courses has become standard school equipment and should be replaced with formula funding for replacement equipment provided through the QBE formula and with the lottery funding provided for computer purchases. This funding is therefore vetoed.

Section 11 pertaining to the Department of Education, page 12, line 526:

These funds are to equip one computer lab in each of Georgia's 11 congressional districts at a cost of \$100,000 per lab. A total of \$3,024,000 in lottery funds has been used for this purpose in prior years. This does not represent the most economical way for local schools to acquire computer hardware and software.

Also included in House Bill 204, is \$36,841,431 in lottery funds for the purchase of classroom computers for local systems. These funds will be distributed on the basis of \$27.48 per FTE. This represents a far more efficient and effective use of state funds for the acquisition of computers for Georgia's schools. This funding is therefore vetoed.

Section 23 pertaining to the Department of Natural Resources, page 23, line 1047:

This line item allocates \$1,000,000 for Recreation Grants in the Department of Natural Resources. These grants are for local recreation programs. The Governor's proposed budget for this grant program has been \$500,000 for several years, but the General Assembly has added to it each year. Last year, the General Assembly added \$300,000 to provide an \$800,000 grant program. For the F.Y. 1998 budget, the General Assembly has doubled the Governor's recommendation to bring the total to \$1,000,000. In addition, the General Assembly appropriated \$2,461,276 in Local Assistance Grants (36% of the total Local Assistance Grants amount) for recreation in the F.Y. 1997 Amended Budget. Thus, even without the Recreation Grants program in the Department of Natural Resources, there are adequate resources for recreation needs in this state.

Given the need to exercise fiscal restraint in allocating state resources, this grant line item is vetoed.

Section 23, page 23, line 1048 and Section 45, page 40, lines 1774 through 1775, pertaining to the Department of Natural Resources:

House Bill 204 includes \$2.9 million in the line item "Chattahoochee River Basin Grants" and corresponding language.

The Hazardous Waste Trust Fund is wholly funded by fees and fines collected by the Environmental Protection Division (EPD) and is used to clean-up serious hazardous waste sites throughout the state. Based upon expected revenues and the Governor's recommended funding level for the Trust Fund, EPD estimates that the State Superfund program will still be short more than \$19 million when the law sunsets in 2003 even if no new hazardous waste sites are discovered. Thus, it is not fiscally sound to reprogram funding from the Trust Fund for other purposes.

Funding for this grant program was initially added to the F.Y. 1997 budget. A majority of the 14 applications (totaling \$5,068,281) for F.Y. 1997 Chattahoochee River Basin Grants were for projects that clearly are not related to Atlanta's wastewater discharges. EPD awarded grants to nine local communities, but the projects being funded are not critical environmental or health priorities. The projects for F.Y. 1997 included riverbank and shoreline litter removal, silt removal at a park, and public education about erosion

and sediment control. These projects are not of the same value as cleaning up lead that threatens children at Herndon Home in Atlanta or abandoned wood treating waste in South Georgia where groundwater is being contaminated. In addition, some of the grants that were funded include water supply improvements in Columbus and LaGrange, projects that are usually funded by local governments through user fees or through Georgia Environmental Facility Authority low-interest loans.

Therefore, this grant item is vetoed.

Section 27 pertaining to the Board of Regents, University System of Georgia, page 28, line 1233:

This funding was earmarked for the renovation of a dairy at College Station at the University of Georgia. A recently completed program evaluation documents that the Agricultural Experiment Stations receive major repair and renovation funds that could be used to renovate the dairy. Funding for this project was not originally requested by the Board of Regents. Therefore, this line item is vetoed.

Section 39 pertaining to the Department of Administrative services, page 35, lines 1571 through 1574:

This language was approved in the 1996 session of the General Assembly to control the purchase of communications equipment that was not compatible with an 800 mega hertz system. We now believe that a limited number of communication equipment purchases need to be made for security and safety reasons that may not be compatible with an 800 mega hertz system. The Office of Planning and Budget will issue a policy guideline relative to communications equipment purchases which will address budgetary approval and technical review requirements. This language has been vetoed previously.

Section 43 pertaining to the Department of Medical Assistance, page 39, lines 1755 through 1756:

The inclusion of the proposed language would compromise the department's ability to effectively and efficiently manage the use of pharmaceuticals by Medicaid recipients. The department already utilizes a prior authorization system that is based on the individual patient's clinical and medical criteria.

In addition, the language establishes an unnecessary intrusion into the day to day operation of an executive branch agency by the legislature. Specific benefits and service limitations are determined by Board review and amendments to the state plan. Therefore, for these reasons, I am vetoing the cited language.

Section 43 pertaining to the Department of Medical Assistance, page 39, lines 1757 through 1758:

The language and the corresponding appropriation of \$4.1 million in state funds are not sufficient to cover the cost of a rate increase for all nursing home providers. The department has projected a cost of \$16.6 million in state funds for the nursing home rate increase.

In addition, the language violates federal Medicaid regulations by excluding state facilities from the rate increase. Under existing federal Medicaid regulations, the rate increase must be given to all nursing home providers. Therefore, for these reasons, I am vetoing the cited language.

Section 47 pertaining to the Department of Transportation, page 41, lines 1804 through 1807:

House Bill 204 authorizes the Department to transfer position counts between budget functions provided that the Department's total position count shall not exceed the maximum number of annual positions assigned by law. All executive branch agencies are legally authorized to amend their budgets and transfer positions between budget functions when a properly drawn amendment to the annual operating budget has been approved by the Office of Planning and Budget. In addition, the number of positions in each budget function is not specified in the Governor's budget recommendations to the General Assembly or in the annual appropriations act. Therefore, this language is unnecessary. This language has been vetoed previously.

Section 56 pertaining to federal funds, page 43, lines 1901 through 1995:

This language essentially provides a pool of federal money to be available only to supplant state funds. It prohibits an amendment of federal funds above the amount appropriated in the Appropriations Act for purposes other than to supplant state appropriations for the pertinent programs. This language limits the state's ability to accept additional federal funds as they become available throughout the fiscal year. This language has been vetoed previously.

Section 57 pertaining to Bonds for the Department of Technical and Adult Education, page 44, lines 1954 through 1962:

Bonds for technical school facilities and public libraries amounting to \$8,950,000 are provided for in this section of House Bill 204. These facilities include: \$500,000 for an Adult Learning Center in Turner County; \$2.4 million for public library facilities in Bryan, Chatham, Dodge, Effingham, Henry, Jeff Davis and Union Counties; \$50,000 for a library for the city of Aragon; \$3.6 million to renovate facilities at North Georgia Tech; and \$2.4 million to renovate facilities at South Georgia Tech.

Public libraries are one of the few areas in this budget that had no budget reductions from redirection, and in fact, received substantial funding to have Internet and Galileo connection for libraries in each county. In the long run, the Internet and Galileo connections are more important for the future of public libraries than new buildings. In addition, it is prudent both from a policy and a fiscal perspective to wait on any new library expansions until the Department of Technical and Adult Education has completed its strategic plan and capital plan for the library system. These plans may influence the way libraries and any expansions are designed.

The renovations at both North Georgia Tech and South Georgia Tech are designed to convert old dormitory space into classroom space. Yet the department is currently stretched to the limit for operational funding and has not proposed a plan for operating these new classrooms without taking funds from other deserving programs in the system.

Due to a lack of adequate planning, no provisions for operating additional facilities without a significant infusion of new funding, and a concern for the overall size of the approved bond package, the authorization for these projects is vetoed.

Section 57 pertaining to Bonds for the Board of Regents, page 44, lines 1963 through 1968 and page 45, line 1969:

This item provides funds for the planning and design of a classroom facility at Augusta State University.

This project was not part of the original capital outlay request of the Board of Regents for F.Y. 1998. The Chancellor later submitted a request for \$350,000 for a facility master plan for Augusta State University to assess the classroom situation. These

funds were included in the Governor's recommendation. The F.Y. 1998 budget removes the funds designated for a master plan and provides \$1,280,000 in bonds funds for the planning and design of the new classroom facility.

Conducting the planning and design requirements for a project this large before the proper master plan has been developed is not prudent. Because the master plan will be done first, this funding is not yet needed. The Board of Regents will develop a new priority listing of needed capital outlay projects and will assign this Augusta project the proper priority placement. Therefore, the authorization for this project is vetoed.

Section 57 pertaining to Bonds for the Georgia Ports Authority, page 45, lines 1970 through 1976:

This portion of the bond section of House Bill 204 authorizes 20 year debt financing in the amount of \$5.9 million for the Georgia Ports Authority for three projects: planning and environmental studies for the Brunswick deepening (\$600,000), design and engineering of the Brunswick Harbor deepening (\$4.0 million including state advance funding of the federal share), and repairs to the Bainbridge dock and replacement of its material handling conveyor (\$1.3 million).

The first project (planning and environmental studies for the Brunswick deepening) was funded last year and the Georgia Ports Authority was to provide funding for a portion of the project equivalent to the state grant and to pay for any cost overage. The state has provided its commitment to the project.

The design and engineering of the Brunswick Harbor deepening were considered by the Governor for funding along with the \$28 million in facility improvements approved for the Authority. The deepening was rejected in part because the state was not only paying its share but was advance funding the federal share in anticipation of it being appropriated by Congress. In light of the efforts of Congress to balance the budget, it is much more problematical than in previous years that funding will be provided. Also considering the estimated \$60 million to deepen the channel, the state of Georgia should not provide full advance funding for this project. If Congress appropriates the federal share of this project, the state can reconsider its position.

With respect to the Bainbridge project, the Ports Authority has sufficient funds to address a repair project of this size. For these reasons and a concern about the overall size of the bond package, the authorization for these projects is vetoed.

Section 57 pertaining to Bonds for the Department of Education, page 45, lines 1996 through 2001:

This appropriation is a continuation of state support for non-technical vocational equipment for new or modified vocational high school labs. This program began years ago with federal money. State funds were first appropriated for this purpose in the late 1980's when federal funds were no longer made available to the state.

Since the beginning of this program, most schools receiving vocational equipment funding are not new facilities. This appropriation requires the state to incur a 5-year debt to provide ordinary vocational equipment for 50 high schools in 32 local systems, only seven of which are new.

Since F.Y. 1988, the state has appropriated this special funding for selected high schools in addition to formula funding replacement equipment for all systems. This has resulted in a major funding inequity among local systems. The total state funds per FTE to individual systems between F.Y. 1988 and F.Y. 1996 range from a low of \$69 to a high of \$1,131.

Funding for replacement equipment is included in the QBE formula. Local systems should begin to plan ahead to more effectively and efficiently use existing formula funds to meet their current and long range equipment needs. For these reasons, the authorization for this project is vetoed.

STATE OF GEORGIA
Office of the Governor
Atlanta 30334-0900

May 2, 1997

Honorable Pierre Howard
Lieutenant Governor
240 State Capitol
Atlanta, Georgia 30334

Dear Lieutenant Governor Howard:

I have vetoed Senate Bill 349 which was passed by the General Assembly of Georgia at the 1997 Regular Session.

Article III, Section V, Paragraph XIII of the Georgia Constitution requires that I transmit such bills to you, together with a list of reasons for such vetoes. The bill and corresponding reasons for its veto are attached.

With kindest regards, I remain

Sincerely,
/s/ Zell Miller

STATE OF GEORGIA
Office of the Governor
Atlanta 30334-0900

May 2, 1997

Honorable Thomas B. Murphy
Speaker of the House of Representatives
332 State Capitol
Atlanta, Georgia 30334

Dear Mr. Speaker:

I have vetoed House Bills 283, 313, 378, 383, 417, 419, 433, 465, 517, 528, 838, 866, 914, and 1013 which were passed by the General Assembly of Georgia at the 1997 Regular Session.

Article III, Section V, Paragraph XIII of the Georgia Constitution requires that I transmit such bills to you, together with a list of reasons for such vetoes. The bills and corresponding reasons for their vetoes are attached.

With kindest regards, I remain

Sincerely,
/s/ Zell Miller

VETO NUMBER 1

House Bill 283 authorizes ticket brokering in Georgia. With one significant exception, the bill makes it unlawful for any person other than a ticket broker to resell or offer for

resale any ticket of admission in excess of its face value to athletic contests, concerts, theater performances, or other entertainments, amusements, or exhibitions. An exception to the ticket brokering requirement actually would legalize the scalping of a ticket for an event by an individual ticket holder who is the "original purchaser" of the ticket as long as that person does not sell the ticket on the property where the event is to be held.

Current state law prohibits ticket scalping by everyone. This law has been in existence in one form or another since 1966. In a 1979 decision upholding the constitutionality of the ban on ticket scalping, the Georgia Supreme Court held that the prohibition on the practice of scalping tickets is a reasonable regulation fulfilling a legitimate state interest. State v. Major, 243 Ga. 255 (1979).

House Bill 283 not only legalizes ticket scalping but also creates an unfair monopoly for ticket brokers. This bill, like one which I vetoed for similar reasons in 1995, fails to protect consumers and is unfair to promoters and artists.

The potential problems contained in House Bill 283 include the following:

- A requirement that bond be posted in the amount of \$150,000. This amount is insufficient to protect consumers should a ticket broker fail to provide tickets or abscond with the proceeds.
- There is no penalty for a ticket broker who fails to deliver a paid-for ticket unless the ticket broker has guaranteed in writing the delivery of the ticket. However, somewhat incredibly, there is no requirement that a ticket broker provide any written guarantee that a ticket be delivered, thereby creating a significant loophole which could greatly harm the ticket-buying public.
- While the bill purports to regulate ticket brokers, it legalizes ticket scalping by permitting other individuals who purchase tickets for "personal use" to resell those tickets for any price without regulation. This will in fact increase, rather than decrease, consumer confusion and complaints.

For the protection of consumers, performers, and athletes, I hereby veto House Bill 283.

VETO NUMBER 2

House Bill 313 establishes the Miller County Recreation Authority, a public entity that will own and operate a golf course project in Miller County.

After passage, the author of the bill discovered a defect in the effective date of the bill and requested a veto. The correct effective date with the duplicate provisions creating the Miller County Recreation Authority was placed in House Bill 806, which I signed on March 25, 1997.

Therefore, at the request of the author, I hereby veto House Bill 313 on technical grounds.

VETO NUMBER 3

House Bill 528 is an unfortunate conglomeration of inconsistent, contradictory, and unconstitutional provisions which renders the bill legally flawed.

As originally introduced, House Bill 528 amends Georgia's Groundwater Use Act by lowering to 50,000 gallons per day the amount of ground water which may be withdrawn in locations that have been designated by the director of the Environmental Protection Division as special ground water management areas. However, during the last two days

of the 1997 session, amendments were added to this legislation which, when combined, are irreconcilable, raise considerable constitutional problems, and are unnecessary to achieve their purported objectives.

On day 39 of the session, four amendments were added to this bill on the Senate floor. Three of these amend the exact same paragraph (7) of Code Section 12-5-23.2, without repealing any language contained in any of them. To compound the problem, on the 40th and last day, the House passed another amendment, later agreed to by the Senate, which conflicts with the prior Senate amendments but in similar fashion fails to repeal any of them.

Adding to this confusion is the fact that House Bill 528 creates an unconstitutional special law and has no general repealer clause which is contained in every bill that passes the General Assembly, which causes it to conflict with existing law.

One of the Senate amendments, codified as the first "Section 1A" of the bill, has serious constitutional and policy flaws. It allows "any capital outlay project" funded by the excise tax on rooms, lodgings, and accommodations or "any project of the Atlanta Housing Authority" to connect to a sewer system regardless of whether a sewer moratorium is in effect.

The City of Atlanta is currently under a moratorium for sewer connections in accordance with a 1996 Act of the General Assembly due to violations of the Water Quality Control Act. See O.C.G.A.*12-5-23.2(c)(6). The Senate amendment just mentioned was meant to provide an exception to the 1996 Act so that an arena could be constructed for the Atlanta Hawks basketball team as well as additional projects of the Atlanta Housing Authority.

However, there are at least two legal problems with this amendment. First, in conflict with additional amendments (see below), the reference to "any capital outlay project" without any time limitation could apply to an unlimited number of projects for an indefinite period of time other than just the Hawks arena.

Second, the specific reference to the Atlanta Housing Authority creates a special law applicable solely to one housing authority in conflict with the general law contained in the same legislation, thereby violating the constitutional prohibition on special laws. See Ga. Const. 1983, Art. III, Sec. VI, Para. IV(a).

A second Senate amendment, codified as the second "Section 1A" of House Bill 528, allows "additional sewer connections for which permits were issued prior to the imposition of a moratorium on additional sewer connections." This amendment conflicts with the previous amendment by being more restrictive, applying only to permits issued prior to the moratorium.

On the last day of the session, the House added yet another amendment to deal with the Hawks arena and housing authority projects in "Section 1" of House Bill 528. This amendment creates an exception from the sewer moratorium only for certain capital outlay projects started prior to July 1, 1998, or for any public housing authority project so long as the additional connections do not cause the total quantity of sewage to exceed a specified amount. By failing to repeal any of the previous amendments, the House amendment directly conflicts with the two Senate amendments just reviewed.

In fact, none of these amendments are needed to allow the Hawks arena to be constructed or to permit particular Atlanta Housing Authority projects to be connected to the sewer system. A permit was issued for the Hawks facility prior to the imposition of the sewer moratorium. EPD previously informed the City of Atlanta that projects per-

mitted by the city for sewer connection prior to the time any moratorium is in effect may proceed, even if the project is constructed or occupied during the pendency of the moratorium. Similarly, EPD has informed the city that the moratorium applies only to new connections, not to replacement connections like some proposed projects of the Atlanta Housing Authority.

There was yet one more amendment, codified as the third "Section 1A" of House Bill 528, which requires EPD to request that the U.S. Environmental Protection Agency assist in devising strategies to prevent future discharges of waste waters into the Chattahoochee River which will violate permitted phosphorus levels. The Georgia EPD is delegated the authority to administer the waste water discharge program required by the federal Clean Water Act, which includes enforcement of discharge permit limits. In addition, EPD has agreed to work jointly with the federal EPA on enforcement of discharge permit limits within the City of Atlanta.

The original intent of this bill, which is to lower the groundwater permit threshold under certain circumstances, may be a laudable goal. Unfortunately, due to the manner in which amendments were added to this bill during the closing hours of the 1997 session, that intent has been offset by the legal morass presented by the final version of this legislation. EPD can still achieve the objective of the original legislation through the permitting process of the Georgia Safe Drinking Water Act, O.C.G.A.**12-5-170, et seq.

To summarize, House Bill 528 has multiple provisions which expressly conflict with and contradict one another, no general repealer clause, and one provision which is likely to be held unconstitutional. The intent of the bill can be accomplished through existing law.

For all of these reasons, I have no choice but to veto House Bill 528.

VETO NUMBER 4

House Bill 1013 changes procedures concerning the appellate review of pretrial proceedings in death cases, and, in so doing, may operate to increase the number of death penalty appeals and create further delays in this appellate process than already exist.

Current law provides for the trial judge to conduct a hearing to determine whether an interim review by the Georgia Supreme Court of pretrial rulings in a death penalty case is appropriate to serve the ends of justice, and in doing so the judge must balance whether the delay caused by any such review outweighs the need for the review. Once the trial judge files a report certifying that all pretrial proceedings have been concluded and the case is ready for trial, the prosecutor and the defendant may each file a report identifying areas where reversible error may have occurred with the clerk of the superior court, including an application for appeal with respect to any order entered in the case.

House Bill 1013 creates two potential problems. First, the bill adds language to current law to expand the issues that could be raised in the intermediate appellate review of a death penalty case. Second, the amendatory language in the bill arguably may create a right for prosecutors or defendants to appeal any and all pretrial decisions directly to the Georgia Supreme Court without any determination by the trial court that such an appeal would be appropriate to serve the ends of justice.

Because of the uncertainty in the language contained in the bill, which could create additional appeals in death penalty cases in spite of a determination by the trial court that an interim appeal is not appropriate, the Attorney General has recommended that House Bill 1013 be vetoed.

For the above reasons, I hereby veto House Bill 1013.

www.libtool.com.cn VETO NUMBER 5

House Bill 417 allows an income tax credit of \$500 for individuals who purchase new single-family homes containing specified accessibility features, or a tax credit of the lower of \$125 or the actual cost of each added accessibility feature for a modification to an existing single-family home, up to a total credit of \$500. There is no requirement that any such accessibility feature actually be used by someone physically challenged who would receive the benefit of the feature.

This bill will create a significant revenue loss for the State of Georgia without any guaranteed benefit for anyone actually needing and using an accessibility feature. If ten percent of Georgia's new home purchases were eligible for the \$500 credit and only one accessibility feature was added in one percent of existing homes, the new revenue loss to the state in tax year 1998 would be approximately \$2.6 million for the new purchases and \$2.7 million for the existing home installation, for a total revenue loss of \$5.3 million.

None of these estimated costs were included in House Bill 204, the Fiscal Year 1998 budget act. Therefore, due to the negative financial impact upon state revenues, I hereby veto House Bill 417.

VETO NUMBER 6

House Bill 517 provides, in part, for an income tax credit for qualified caregiving expenses of the lesser of \$500 or ten percent of the qualified expenses on behalf of family members at least 62 years of age, beginning January, 1999.

The estimated costs of this tax credit for the first applicable fiscal year are between \$4 and \$6 million, with an additional incremental cost for subsequent years. This amount of money would have to be found in what promises to be an extremely tight budget for a future fiscal year.

It is fiscally irresponsible to impose such a significant impact upon revenue in advance of a budget which has yet to be proposed. Unless the estimated costs of this credit are included in the budget act for which it is proposed, the credit will result in the budget being out of balance.

Due to this negative financial impact upon state revenue, I hereby veto House Bill 517.

VETO NUMBER 7

House Bill 866 creates the Georgia Golf Hall of Fame Authority. The Authority would consist of 15 members who also serve on the current Georgia Golf Hall of Fame Board.

The Authority would be empowered to receive, generate, and administer revenue toward the operation of the Georgia Golf Hall of Fame, contract with other governmental entities, and accept federal loans and grants. Significantly, the Authority would be permitted to issue revenue bonds to finance some or all of the construction and related expenses concerning the Georgia Golf Hall of Fame. The legislation requires the Authority to establish a debt sinking fund using the Authority's revenues as a pledge for the issuance of any revenue bonds, and stipulates that these bonds "shall not be deemed to constitute a debt of the State of Georgia or a pledge of the faith and credit of the state."

The reasons for vetoing this bill are financial in nature. It presently is unclear whether the Georgia Golf Hall of Fame will require an operating subsidy similar to the

Music Hall of Fame Authority or other state authorities. The Georgia Golf Hall of Fame Board itself is receiving \$85,000 in state funds in Fiscal year 1997 and is budgeted to receive the same amount in Fiscal Year 1998.

In addition, the Board under current law can receive state general obligation bond financing and other financing for projects related to the Georgia Golf Hall of Fame. The need to create a separate state entity to issue revenue bonds for this same purpose is questionable, particularly when the revenue potential of the planned facility to support its operation and any revenue bonds issued is unproven.

For these reasons, I hereby veto House Bill 866.

VETO NUMBER 8

House Bill 378 amends the Georgia Business Expansion Support Act (BEST) of 1994 in several ways which undermines the intent of the BEST legislation and will result in a revenue loss for the state.

Current law provides that businesses in any industry in counties designated as "Tier 1" (the 53 poorest counties in Georgia) prior to January 1, 1994, are eligible for a jobs tax credit until the statute's sunset date of December 31, 1997. Thereafter, only businesses in specific qualifying industries, such as manufacturing, warehousing and distribution, telecommunications, tourism, processing, and research and development will be eligible for the credit.

House Bill 378 would remove the sunset date for the special credit for Tier 1 counties, apply the credit only to the 40 poorest counties, and open the credit up to any type of business.

The purpose of the jobs tax credit in the BEST legislation is to provide an incentive for businesses to locate or expand in Georgia or in a certain group of counties rather than anywhere else. With the removal of the sunset provision, all businesses, including retail establishments, in any of the 40 poorest counties could qualify for the jobs tax credit.

This legislation originally was passed and has been expanded over the past few years to provide Georgia with locational incentives similar to competing states in the Southeast. Retail businesses are not a part of this incentive package since the decision on where to locate such stores is based almost exclusively on the market demand in a particular location. Therefore, giving a jobs tax credit to such an industry is no more than a gratuity to a business which is going to base its decision to locate based on other factors.

In addition, the low wages paid by retail establishments do not usually produce enough taxable income to the state which is sufficient to offset the \$2500 jobs tax credit. Consequently, this bill would result in a revenue loss to the state.

Consequently, due to the financial impact upon state revenues, I hereby veto House Bill 378.

VETO NUMBER 9

House Bill 383 amends the Quality Basic Education Act to include attorneys' fees and costs of litigation in the "reasonable and necessary expenses incurred in educating (a) child" in facilities operated by the Department of Human Resources or the Department of Children and Youth Services for which the state reimburses local school systems under the QBE formula.

This has a potential of an adverse impact upon the state education budget. The treatment and education of students in state facilities can be a very litigious area. While it is impossible to estimate the extent of attorneys' fees and litigation costs which the state would have to reimburse under this legislation, approval of the bill would result in less incentive for local school systems to reach a settlement in many cases before they go to court if those local systems are not themselves responsible for the costs of litigation.

In addition, amendments were added to House Bill 383 in the Senate to allow middle schools to offer foreign language instruction to all students (rather than those who score at or above the sixtieth percentile on a national normed test of reading achievement) and to permit school security personnel in all counties to be authorized to carry a weapon (rather than just those counties having a population of at least 100,000). These are major policy changes which received only limited discussion and are totally unrelated to the original purpose of the bill.

Based on the budgetary implications of state funding for legal fees expended by local school systems as a part of the necessary expenses for the education of children in certain state facilities, I hereby veto House Bill 383.

VETO NUMBER 10

House Bill 465 has negative budget implications while it attempts to mandate by statute what the Department of Medical Assistance is permitted to cover under the state's Medicaid plan.

The bill authorizes the Department of Medical Assistance to amend the state plan for medical assistance to reimburse institutions for mental disease for services provided to individuals under age 21 and over age 65. The bill also limits expenditures for such services to 1996 funding levels for inpatient behavioral health services, adjusted for inflation.

There are two reasons for vetoing this legislation. First, the budget neutrality language which caps spending at 1996 funding levels for inpatient behavioral services is unclear and ambiguous. The bill does not specify if the 1996 funding level relates to Medicaid-covered services or Department of Human Resources mental health services, nor does it specify whether this level includes expenditures for both primary and secondary diagnoses.

As a result, the funding level language in House Bill 465 raises more questions than it answers and potentially has significant implications on the amount of funding for all mental health services.

Second, the bill establishes a troubling precedent that tries to mandate that the Department of Medical Assistance cover a specific category of service under Medicaid. Current Georgia law provides for the Department of Medical Assistance to determine appropriate coverage and changes to the state plan for medical assistance. The department, with the approval of the board, already is authorized to modify the state plan or apply for waivers to extend eligibility or expand services.

For the above reasons, I hereby veto House Bill 465.

VETO NUMBER 11

House Bill 914 provides for a full scholarship program for any student who has completed the two-year military scholarship program at Georgia Military College in Milledgeville to attend any Board of Regents institution that offers a Reserve Officers' Training Corps (ROTC) program.

While the state currently funds four year military scholarships at North Georgia College, those recipients are required to attend the military college for four years to retain eligibility for the scholarship.

Lottery funds currently are used to support a full military scholarship for selected students attending Georgia Military College, which is a private institution. These funds support 66 scholarships per year. If all Georgia Military College military scholarship recipients attend a Regents institution in their junior and senior years, House Bill 914 could cost between \$405,000 and \$611,000. None of these estimated costs were included in House Bill 204, the Fiscal Year 1998 budget act.

Instead of requiring the state to assume an obligation to provide full military scholarships for students to continue their education at a non-military school, students who complete the program at Georgia military College with a "B" average currently are eligible for the HOPE scholarship at any public or private college in Georgia. In addition, any of these students who go on to North Georgia Military College to complete their education and participate in ROTC will be eligible for a \$1,500 annual tuition grant.

Due to negative budget implications, the availability of the HOPE scholarship and tuition grants, and the need to continue the policy of providing military scholarships only for those recipients attending military college, I hereby veto House Bill 914.

VETO NUMBER 12

Senate Bill 349 originally was introduced on behalf of the Department of Audits, so that this agency can meet new national accounting requirements related to nonprofit organizations and facilitate an earlier compilation of statewide financial statements. However, the bill became flawed when an amendment was added late in the session concerning the manner in which the state seal is affixed to state-owned vehicles.

Current law requires the state seal to be placed on the trunk or other conspicuous spot on all state-owned vehicles except law enforcement vehicles used for investigative purposes. Senate Bill 349 would require a decal or seal containing the name of the agency which owns or leases the vehicle to be placed on the front door on each side of any non-investigative state vehicle, and makes any person driving a vehicle not complying with this edict guilty of a misdemeanor.

This provision has three problems. First, it will require an expenditure of funds to place these additional markings on every eligible state vehicle, and no such funds were appropriated in House Bill 204, the Fiscal Year 1998 budget act.

Second, there is little basis for concluding that the current requirement that the state seal be placed on the trunk of state vehicles does not sufficiently identify those vehicles. The Office of Planning and Budget, the Department of Audits, and the Department of Administrative Services have issued a joint policy memorandum on state-owned motor vehicles that can be modified to address the issue of vehicle markings in event the current law needs further amplification.

Finally, the provisions which subject the driver of the vehicle to up to a \$1,000 fine and 12 months in jail appear to be overly punitive.

With respect to the new procedures needed by the Department of Audits, I will include such requirements in a forthcoming Executive Order to enable that agency to meet federal guidelines. The department can then pursue any additional corrective legislation next session.

Based on the reasons stated above, I hereby veto Senate Bill 349.

VETO NUMBER 13

House Bill 433 prohibits the filing of a civil action to recover damages against land surveyors for any error, defect, omission, or miscalculation in a survey or plat more than six years from the date of the survey or plat.

This bill started out as an effort to limit the responsibility of land surveyors only to those persons in privity of contract with the land surveyor. However, the broad language in the final version of the bill is both anti-consumer and unduly protective of those individuals who may willfully execute an erroneous survey or plat to the detriment of the landowner.

Under the provisions of House Bill 433, no person could bring an action for damages against a land surveyor for an error or omission in a survey or plat more than six years from the date of the survey or plat even if the error or omission was intentional or grossly negligent. Moreover, it is entirely possible that such a grievous error would not be discovered by an unsuspecting owner until the property in question is sold much later in time. It is unfair and inequitable to bar every person from bringing an action under such circumstances.

Based on these reasons, I hereby veto House Bill 433.

VETO NUMBER 14

House Bill 419 provides that "heavy-duty equipment motor vehicles" when owned by a dealer engaged in the business of selling such vehicles will not be subject to ad valorem tax normally assessed against tangible property. Currently, heavy-duty equipment vehicles are subject to the same ad valorem tax rules as any other motor vehicle.

Article VII, Section II, Paragraph II of the Georgia Constitution provides that no property shall be exempted from ad valorem taxation unless such exemption is approved in a referendum. Since the enactment of House Bill 419 is not dependent upon any such referendum, the bill may be constitutionally flawed.

In addition, the Attorney General's office currently is defending the state in a lawsuit which challenges another ad valorem tax exemption which was not approved by the voters. Until that lawsuit is resolved, it would be inappropriate to create another questionable ad valorem tax exemption which could subject the state to another round of litigation.

Based upon these factors, I hereby veto House Bill 419.

VETO NUMBER 15

House Bill 838 provides a homestead exemption for residents 70 years of age or older from certain ad valorem taxes levied on behalf of the Chattooga County School District.

After passage, a defect in the bill was discovered causing its author to request a veto. This homestead exemption was perfected in House Bill 1009, which I have signed.

Therefore, at the request of the author, I hereby veto House Bill 838 on technical grounds.

January 9, 1998

The Honorable Pierre Howard
President of the Senate
240 State Capitol
Atlanta, Georgia 30334

Dear Governor Howard:

This letter is in response to the recent action of the Senate Ethics Committee and the pre-filing and upcoming introduction of a resolution of censure. I hereby agree to accept the censure as stated in Senate Resolution 459.

I expressly waive any notice and hearing with respect to committee and Senate action to adopt the censure as stated in Senate Resolution 459. This waiver is expressly limited to adoption of Senate Resolution 459 in the same form in which it was pre-filed. If you have any questions regarding this issue, please contact me.

Sincerely,
/s/ Ralph David Abernathy, III

January 9, 1998

The Honorable Pierre Howard
President of the Senate
240 State Capitol
Atlanta, Georgia

Dear Governor Howard:

This letter is to inform you that I have concluded that because of the work that must be done in the coming days and months in my own district, I cannot, at this time, give the full time and attention required to fulfill the duties and travel responsibilities associated as chairman of the Senate Interstate Cooperation Committee.

Therefore, I hereby tender my resignation as Chair of the Senate Interstate Cooperation Committee effective, today, January 9, 1998. If you have any questions regarding this issue, please do not hesitate to contact me.

Sincerely,
/s/ Ralph David Abernathy, III

January 9, 1998

Frank Eldridge, Jr.
Secretary of the Senate
353 State Capitol
Atlanta, Georgia 30334

Dear Mr. Eldridge:

Please accept this letter as notification that there is a vacancy in the chair position for the Senate Interstate Cooperation Committee. Pursuant to Senate Rule 186, I hereby appoint Senator Floyd Griffin, Jr. to fill the remaining term as chairman. If you have any questions, do not hesitate to contact me.

Sincerely,
/s/ Pierre Howard

Senator Thomas of the 10th moved that the following bill be withdrawn from the Insurance and Labor Committee and committed to the Health and Human Services Committee:

SB 55. By Senators Thomas of the 10th, Griffin of the 25th, Johnson of the 2nd and others:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so as to require individual and group health insurance policies, group health plans or policies, and all other forms of managed or capitated care plans or policies to provide insurance coverage for diabetes outpatient self-management training and diabetes equipment and supplies.

On the motion, the yeas were 15, nays 27, and the motion was lost.

SENATE CALENDAR

Monday, January 12, 1998

FIRST LEGISLATIVE DAY

- SB 43 Elections voter identification (SLGO-G-5th)
- SB 52 Alcoholic Beverage Advertisements allow prices (Substitute) (C Aff-40th)
- SB 122 Transportation Board authority to name roads, bridges (Trans-33rd)
- SB 142 Sheriffs qualifications, drug tests (Substitute)(Pub Saf-46th)
- SB 167 Motor Vehicle Insurance enact Collision Damage Waiver Law (Substitute)(I&L-33rd)
- SB 185 Depositions disqualification of court reporters, certain counties (Judy-42nd)
- SB 201 Open Meetings Pardons and Paroles Board votes open for inspection (Substitute)(S Judy-37th)
- SB 207 Health Insurance Legislation prerequisites, procedures (Substitute)(I&L-29th)
- SB 222 Child Care Centers child care in malls, office complexes (Substitute)(H&HS-35th)
- SB 266 Alcoholic Beverage License revoke when providing to those underage (Substitute)(S Judy-40th)
- SB 299 Civil Practice grounds for continuance (Amendment)(S Judy-51st)
- SB 308 Nursing Home Resident Evaluations reimburse clinical social workers (C Aff-47th)
- SB 311 Fireworks Storage magazine license for certain applicants (C Aff-27th)
- SB 321 DUI habitual violator conviction fine amount, serve 50% of sentence (Judy-35th)
- SB 337 Tree Trimming on Rights of Way vegetation maintenance program (Substitute)(Trans-33rd)
- SB 350 Pistol, Revolver License prohibit if felony drug conviction with no pardon (Pub Saf-11th)

- SB 358 Surplus Line Insurance inapplicability of certain provisions (I&L-29th)
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- SB 371 Venue for Corporations-amend provisions (Substitute)(Amendments) (Judy-51st)
- SR 4 Joint Study Committee on Home Study Programs-create (Amendment) (Rules-52nd)
- SR 8 CA: Initiative Petition power of people to enact laws (Substitute)(S Judy-23rd)
- SR 17 Senate Driver's Education Study Committee create (Amendment) (Rules-17th)
- SR 21 Joint Study Committee on School Choice Vouchers create (Amendment)(Rules-52nd)
- SR 41 CA: State Senate minimum age for members (Amendment) (Ethics-35th)
- SR 46 Senate Study Commission on Promoting Aerospace Development,Etc-create (Amendment)(Rules-35th)
- SR 49 AFDC Recipients-project for self-sufficiency accounts at banks (Substitute)(H&HS-35th)
- SR 64 CA: Highway Employee Killed or Disabled After January 1, 1999 indemnification (S Judy-33rd)
- SR 77 Atlanta Braves urge name baseball field in honor of Henry Aaron (EDT&CA-38th)
- SR 86 CA: Environmental Trust Fund for protection, improvement (Amendment)(Nat R-29th)
- SR 89 Senate Study Committee on Link Between Violence Towards Animals and Humans create (Rules-26th)
- SR 111 Welfare Reform supporting concerns of Georgia Conference of Black Mayors (Amendment)(H&HS-35th)
- SR 161 CA: Senate provide four-year terms (Ethics-35th)
- SR 225 Joint Coastal Ground-Water Resources Study Committee create (Substitute)(Rules-20th)
- SR 254 Senate State Office Campaign Finance Study Committee create (Amendment)(Rules-3rd)
- SR 255 Joint State Office Campaign Finance Study Committee create (Amendment)(Rules-3rd)
- SR 263 Senate Study Committee on Adapted Sports Program commend (Rules-55th)

- SR 301 Joint Study Committee on Consumer Privacy in Marketplace create
(Rules-55th)
www.libtool.com.cn
- SR 331 CA: Municipal Jail Construction additional fees in court cases to
fund (Corr-37th)
- SR 351 Unemployment Insurance System pilot projects on feasibility of state
control (I&L-29th)
- SR 353 West Point Lake urge Congressman Barr examine problems on com-
peting uses (Amendment)(Nat R-29th)
- SR 371 Senate Study Committee on Appropriate Medicaid Reform create
(Rules-56th)
- HB 95 Public Service Commission; election; amend provisions (F&PU-14th)
Coleman-142nd
- HB 96 Professional counselors; master's level psychologists; licensing (H&HS-
47th) Williams-114th
- HB 248 Litter; definition; include cigarette butts (Nat R-37th) Burkhalter-41st
- HB 249 Marriage ceremonies; authorize federal judges to perform (S Judy-40th)
Campbell-42nd
- HB 290 Firearms; state compliance with Brady Law (Pub Saf-19th) Twiggs-8th
- HB 387 Motor vehicles; joint interest; certificate of title (Trans-32nd) Porter-
143rd
- HB 543 Elections; redefine absentee elector (SLGO-G-10th) Holmes-53rd
- HB 706 Hotel-motel tax; international and maritime trade center authorities;
amend provisions (Substitute)(F&PU-1st)Mueller-152nd
- HB 791 Peace Officer Standards and Training Act; change certain definitions
(Pub Saf-26th) Randall-127th
- HR 215 ~ "George W. Ross Highway"; designate (Trans-54th) Poag-6th

Senator Walker of the 22nd moved that all the bills and resolutions of the Senate and House listed on the Senate Calendar for today be read the third time and committed to the Senate Committees from which they were last reported.

On the motion, the yeas were 52, nays 0; the motion prevailed, and the bills and resolutions of the Senate and House listed on the Senate Calendar for today were read the third time and committed to the following Senate Committees:

- SB 43. By Senators Burton of the 5th, Blich of the 7th, Hill of the 4th and others:
A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to require the presentation of identification by an elector at or prior to the completion of a voter's certificate and prior to admission to the enclosed space at any polling place; to provide what shall constitute proper identification.

Committed to Committee on State and Local Governmental Operations (General).

SB 52. By Senator Egan of the 40th:

A bill to amend Code Section 3-4-26 of the Official Code of Georgia Annotated, relating to the display of advertisement or information regarding prices of distilled spirits in visible places and the prohibition of sales below cost, so as to delete provisions prohibiting the advertising of prices.

Committed to Committee on Consumer Affairs.

SB 122. By Senators Thompson of the 33rd, Dean of the 31st and Cheeks of the 23rd:

A bill to amend Title 32 of the Official Code of Georgia Annotated, known as the "Georgia Code of Public Transportation," so as to grant to the State Transportation Board the authority to name or designate roads, road segments, and bridges on the state highway system; to provide for procedures for the naming or designation of such roads, road segments, and bridges.

Committed to Committee on Transportation.

SB 142. By Senators Broun of the 46th and Bowen of the 13th:

A bill to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to sheriffs, so as to change certain provisions relating to qualifications of sheriffs; to require candidates for the office of sheriff to submit to drug tests; to repeal certain provisions relating to training requirements; to provide certain exemptions; to change provisions relating to how vacancies in the office of sheriff are filled.

Committed to Committee on Public Safety.

SB 167 By Senators Thompson of the 33rd, Henson of the 55th and Clay of the 37th:

A bill to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to enact the "Georgia Collision Damage Waiver Law"; to provide for regulation by the Commissioner of Insurance of the issuance of collision damage waivers on rental motor vehicles; to define terms; to require filing of collision damage waivers with the Commissioner and provide for disapproval of the same by the Commissioner.

Committed to Committee on Insurance and Labor.

SB 185. By Senators Oliver of the 42nd and Hill of the 4th:

A bill to amend Code Section 9-11-28 of the Official Code of Georgia Annotated, relating to persons before whom depositions may be taken, so as to provide for a waiver of the disqualification of court reporters for family relationship, employment, or financial interest in counties of less than 100,000; to provide for disclosure on the record of such relationship.

Committed to Committee on Judiciary.

SB 201. By Senators Clay of the 37th and Lamutt of the 21st:

A bill to amend Code Section 50-14-3 of the Official Code of Georgia Annotated, relating to proceedings of state agencies excluded from the requirements of law relating to open and public meetings, so as to provide that all information on the votes taken by the State Board of Pardons and Paroles shall be released for inspection after such voting.

Committed to Committee on Judiciary.

SB 207. By Senator Langford of the 29th:

A bill to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide procedures for the enactment of legislation mandating certain coverage in accident and sickness insurance policies; to define certain terms; to provide that such legislation bear a certain designation; to provide prerequisites for the introduction of health insurance legislation.

Committed to Committee on Insurance and Labor.

SB 222. By Senator James of the 35th:

A bill to amend Code Section 49-5-12 of the Official Code of Georgia Annotated, relating to licensing and inspection of child welfare agencies and child care facilities, so as to redefine the term "child welfare agency" to include certain child care facilities located in shopping centers, malls, and office complexes.

Committed to Committee on Health and Human Services.

SB 266. By Senator Egan of the 40th:

A bill to amend Code Section 3-3-23.1 of the Official Code of Georgia Annotated, relating to penalties for unlawful actions involving alcoholic beverages and underage persons, so as to provide for the suspension or revocation of the state and local alcoholic beverage licenses of any licensee who provides alcoholic beverages to an underage person.

Committed to Committee on Special Judiciary.

SB 299. By Senators Ralston of the 51st and Land of the 16th:

A bill to amend Article 7 of Chapter 10 of Title 9 of the Official Code of Georgia Annotated, relating to continuances, so as to provide for grounds for continuance for the presiding of a party or attorney as a judge in a court of record.

Committed to Committee on Special Judiciary.

SB 308. By Senators Madden of the 47th, Thomas of the 10th, Dean of the 31st and others:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to provide for the enrollment and reimbursement of licensed clinical social workers for certain mental health evaluations and treatment of behavioral disorders of nursing home residents under certain conditions.

Committed to Committee on Consumer Affairs.

SB 311. By Senator Gochenour of the 27th:

A bill to amend Code Section 25-10-3.1 of the Official Code of Georgia Annotated, relating to storage of fireworks by licensed nonmanufacturers, so as to authorize the issuance of a magazine license for storage of fireworks in this state by applicants for such license who plan to conduct a fireworks exhibition or display in another state under certain conditions.

Committed to Committee on Consumer Affairs.

SB 321. By Senators James of the 35th and Brown of the 26th:

A bill to amend Code Section 40-5-58 of the Official Code of Georgia Annotated, relating to habitual violators, so as to provide that a habitual violator who is thereafter convicted of violating Code Section 40-6-391 shall be punished by a fine of not less than \$1,000.00 or by imprisonment for not less than one year nor more than ten years, or both; to provide that such person shall serve at least 50 percent of any sentence imposed before being eligible for parole.

Committed to Committee on Judiciary.

SB 337. By Senators Thompson of the 33rd, Streat of the 19th, Langford of the 29th and Brush of the 24th:

A bill to amend Code Section 32-6-75.2 of the Official Code of Georgia Annotated, relating to the authority of the commissioner of transportation to issue permits for the trimming of trees and vegetation on state rights of way, so as to provide for the establishment of an effective vegetation maintenance program for the promotion of tourism.

Committed to Committee on Transportation.

SB 350. By Senator Ragan of the 11th:

A bill to amend Code Section 16-11-129 of the Official Code of Georgia Annotated, relating to license to carry a pistol or revolver, so as to change the provisions relating to the prohibition against persons who have been convicted of certain drug offenses from being granted a license to carry a pistol or revolver.

Committed to Committee on Public Safety.

SB 358. By Senator Langford of the 29th:

A bill to amend Article 2 of Chapter 5 of Title 33 of the Official Code of Georgia Annotated, relating to surplus line insurance, so as to provide for the inapplicability of certain provisions of law.

Committed to Committee on Insurance and Labor.

SB 371. By Senators Ralston of the 51st and Boshears of the 6th:

A bill to amend Part 2 of Article 5 of Chapter 2 of Title 14 of the Official Code of Georgia Annotated, relating to venue regarding business corporations, so as to amend provisions relating to venue for corporations.

Committed to Committee on Judiciary.

SR 4. By Senators Marable of the 52nd, Dean of the 31st, Henson of the 55th and others:

A resolutionn creating the Joint Study Committee on Home Study Programs.

Committed to Committee on Rules.

SR 8. By Senators Cheeks of the 23rd and Kemp of the 3rd:

A resolution proposing an amendment to the Constitution so as to reserve to the people of the state the power to propose laws and amendments to the Constitution and to enact or reject the same; to provide procedures and restric-

tions connected therewith; to provide for the submission of this amendment for ratification or rejection.

Committed to Committee on Special Judiciary.

SR 17. By Senators Crotts of the 17th, Hill of the 4th, Bowen of the 13th and others:

A resolution creating the Senate Driver's Education Study Committee.

Committed to Committee on Rules.

SR 21. By Senators Marable of the 52nd, Dean of the 31st and Madden of the 47th:

A resolution creating the Joint Study Committee on School Choice Vouchers.

Committed to Committee on Rules.

SR 41. By Senator James of the 35th:

A resolution proposing an amendment to the Constitution so as to change the minimum age for members of the Georgia Senate; to provide for the submission of this amendment for ratification or rejection.

Committed to Committee on Ethics.

SR 46. By Senators James of the 35th, Griffin of the 25th, Kemp of the 3rd and others:

A resolution creating the Senate Study Commission on Promoting Aerospace development, Commercial Space Activities, and Telecommunications Technology to improve Georgia's economic base.

Committed to Committee on Rules.

SR 49. By Senator James of the 35th:

A resolution urging the Department of Human Resources to conduct a two-year demonstration project to allow recipients of AFDC who are 18 years of age or older to establish and maintain self-sufficiency and development accounts at banks, savings and loan associations, and other financial institutions authorized to operate in this state.

Committed to Committee on Health and Human Services.

SR 64. By Senators Thompson of the 33rd, Dean of the 31st and Cheeks of the 23rd:

A resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for indemnification with respect to state highway employees who are or have been killed or permanently disabled in the line of duty on or after January 1, 1999; to provide for the submission of this amendment for ratification or rejection.

Committed to Committee on Special Judiciary.

SR 77. By Senators Abernathy of the 38th, Thomas of the 10th, Walker of the 22nd and others:

A resolution urging that the Atlanta Braves baseball field within the Ted Turner Stadium be named in honor of Henry Aaron.

Committed to Committee on Economic Development, Tourism and Cultural Affairs.

SR 86. By Senators Langford of the 29th, Dean of the 31st and Land of the 16th:

A resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for an environmental trust fund to receive, hold, and expend funds to protect and improve the environment; to provide that the General Assembly shall provide that certain fines and penalties shall be paid into such fund; to provide for the submission of this amendment for ratification or rejection.

Committed to Committee on Natural Resources.

- SR 89. By Senators Brown of the 26th, Blich of the 7th, Middleton of the 50th and others:

A resolution creating the Senate Study Committee on the Link Between Violence Towards Animals and Violence Towards Humans.

Committed to Committee on Rules.

- SR 111. By Senator James of the 35th:

A resolution supporting the concerns of the Georgia Conference of Black Mayors relating to welfare reform.

Committed to Committee on Health and Human Services.

- SR 161. By Senator James of the 35th:

A resolution proposing an amendment to the Constitution so as to provide for four-year terms of office for members of the Georgia Senate; to provide for submission of this amendment for ratification or rejection.

Committed to Committee on Ethics.

- SR 225. By Senators Gillis of the 20th, Hooks of the 14th, Bowen of the 13th and Madden of the 47th:

A resolution creating the Joint Coastal Ground-Water Resources Study Committee.

Committed to Committee on Rules.

- SR 254. By Senators Kemp of the 3rd, Turner of the 8th, Dean of the 31st and others:

A resolution creating the Senate State Office Campaign Finance Study Committee.

Committed to Committee on Rules.

- SR 255. By Senators Kemp of the 3rd, Turner of the 8th, Dean of the 31st and others:

A resolution creating the Joint State Office Campaign Finance Study Committee.

Committed to Committee on Rules.

- SR 263. By Senators Henson of the 55th, Thomas of the 10th and Burton of the 5th:

A resolution creating the Senate Study Committee on Adapted Sports Programs.

Committed to Committee on Rules.

- SR 301. By Senators Henson of the 55th, Perdue of the 18th, Walker of the 22nd and Clay of the 37th:

A resolution creating the Joint Study Committee on Consumer Privacy in the Marketplace.

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Committed to Committee on Rules.

SR 331. By Senator Clay of the 37th:

A resolution proposing an amendment to the Constitution of Georgia so as to provide that the General Assembly may provide for additional penalties or fees and allocate their use to the construction, operation, and staffing of municipal jails; to provide for the submission of this amendment for ratification or rejection.

Committed to Committee on Corrections, Correctional Institutions & Property.

SR 351. By Senator Langford of the 29th:

A resolution requesting the United States Congress to authorize through legislation one or more state pilot projects to ascertain the feasibility of devolving the unemployment insurance system back to state control.

Committed to Committee on Insurance and Labor.

SR 353. By Senator Langford of the 29th:

A resolution urging U. S. Congressman Bob Barr to examine the problems relating to the competing uses of West Point Lake and to initiate federal action to help resolve such problems.

Committed to Committee on Natural Resources.

SR 371. By Senators Price of the 56th, Middleton of the 50th and Perdue of the 18th:

A resolution creating the Senate Study Committee on Appropriate Medicaid Reform.

Committed to Committee on Rules.

HB 95. By Representatives Coleman of the 142nd, Murphy of the 18th, Hudson of the 156th and others:

A bill to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and membership of the Public Service Commission, so as to change the provisions relating to the election of the members of the commission; to provide for Public Service Commission Districts in which members must reside, provided that such members are elected state wide by the qualified voters of this state.

Committed to Committee on Finance and Public Utilities.

HB 96. By Representatives Williams of the 114th and Harbin of the 113th:

A bill to amend Chapter 10A of Title 43 of the Official Code of Georgia Annotated, the "Professional Counselors, Social Workers, and Marriage and Family Therapists Licensing Law," so as to provide for the licensing of master's level psychologists.

Committed to Committee on Health and Human Services.

HB 248. By Representative Burkhalter of the 41st:

A bill to amend Code Section 16-7-42 of the Official Code of Georgia Annotated, relating to definitions regarding littering, so as to include cigarette butts as litter.

Committed to Committee on Natural Resources.

HB 249. By Representative Campbell of the 42nd:

A bill to amend Code Section 19-3-30 of the Official Code of Georgia Annotated, relating to the issuance, return, and recording of marriage licenses, so as to authorize federal judges to perform marriage ceremonies.

Committed to Committee on Special Judiciary.

HB 290. By Representative Twiggs of the 8th:

A bill to amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to dangerous instrumentalities and practices, so as to provide that the Brady Law regulations shall apply to firearms; to delete a certain definition; to define the term "firearm"; to change the maximum fee that may be charged for a criminal history and involuntary hospitalization records check.

Committed to Committee on Public Safety.

HB 387. By Representatives Porter of the 143rd, Parham of the 122nd and Martin of the 47th:

A bill to amend Code Section 40-3-34 of the Official Code of Georgia Annotated, relating to transfer of vehicle by operation of law, so as to provide for joint interest in a vehicle with survivorship in two or more persons.

Committed to Committee on Transportation.

HB 543. By Representatives Holmes of the 53rd, Lee of the 94th, Byrd of the 170th and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to redefine the term absentee elector; to provide that an elector may choose to vote by absentee ballot without giving a reason for such choice.

Committed to Committee on State and Local Governmental Operations (General).

HB 706. By Representatives Mueller of the 152nd, Bordeaux of the 151st, Day of the 153rd and others:

A bill to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to county and municipal excise tax levies on charges to the public for rooms, lodgings, and accommodations, so as to change certain provisions authorizing certain counties and municipalities to levy such tax under certain conditions.

Committed to Committee on Finance and Public Utilities.

HB 791. By Representative Randall of the 127th:

A bill to amend Code Section 35-8-2 of the Official Code of Georgia Annotated, relating to definitions applicable to Chapter 8 of Title 35, the "Georgia Peace Officer Standards and Training Act," so as to change the definition of certain terms; to include certain employees of municipal correctional institutions who

are authorized to exercise the power of arrest within the definition of the term
"peace officer"

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Committed to Committee on Public Safety.

HR 215. By Representative Poag of the 6th:

A resolution recognizing and commending George W. Ross and designating the
"George W. Ross Highway"

Committed to Committee on Transportation.

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. to-
morrow; the motion prevailed, and at 12:00 P.M., the President announced the Senate
adjourned.

Senate Chamber, Atlanta, Georgia
 Tuesday, January 13, 1998
 Second Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 751. By Representatives Crawford of the 129th, Reaves of the 178th, McBee of the 88th and others:

A resolution commending Mrs. Jane Ashley.

The following bills were introduced, read the first time and referred to committees:

SB 408. By Senators Ragan of the 11th, Hooks of the 14th, Harbison of the 15th and others:

A bill to amend Chapter 30 of Title 43 of the Official Code of Georgia Annotated, relating to optometrists, so as to change the provisions relating to definitions and the practice of optometry; to provide for an effective date.

Referred to Committee on Health and Human Services.

SB 409. By Senators Walker of the 22nd, Dean of the 31st, Scott of the 36th and others:

A bill to amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to compensation of crime victims, and Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the statewide probation system, so as to require a portion of probation supervision fees to be forwarded to the Georgia Crime Victims Emergency Fund; to provide an effective date.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 410. By Senators Walker of the 22nd, Middleton of the 50th, Thomas of the 10th and others:

A bill to amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children, so as to create the "Children's Health Insurance Act"; to provide for the establishment of a children's health insurance program; to provide for administration; to provide for duties of the State Personnel Board and the State Merit System of Personnel Administration; to authorize the adoption of rules and regulations.

Referred to Committee on Health and Human Services.

- SB 411. By Senators Burton of the 5th, Tysinger of the 41st, Ray of the 48th and others;

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A bill to amend Article 3 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to warrants for arrest, so as to provide for hearing of applications for arrest by electronic or telephonic means in certain circumstances; to provide for related matters; to provide an effective date.

Referred to Committee on Special Judiciary.

- SB 412. By Senators Boshears of the 6th, Ralston of the 51st and Balfour of the 9th:

A bill to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to state government, so as to provide that no state agency shall require greater qualifications of persons who have completed a course of home study than it does for public or private school graduates.

Referred to Committee on Education.

- SB 413. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to amend Part 2 of Article 6 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to insanity and mental incompetency, so as to provide that authorization under certain laws for the conditional or unconditional release of a defendant who was charged with a sexually violent offense and who was committed to the Department of Human Resources shall be subject to the provisions of certain laws relative to sexually violent predators.

Referred to Committee on Judiciary.

- SB 414. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to amend Code Section 12-5-96 of the Official Code of Georgia Annotated, relating to permits to withdraw, obtain, or use ground water and related matters, so as to provide for a public interest test in considering applications for permits to withdraw ground water.

Referred to Committee on Natural Resources.

- SB 415. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to amend Code Section 12-5-31 of the Official Code of Georgia Annotated, relating to permits for the withdrawal, diversion, or impoundment of surface water, so as to provide that the procedure for issuing permits for the withdrawal, diversion, or impoundment of water from certain rivers shall include consideration of the recommendation of the Coastal Resources Division of the Department of Natural Resources; to provide for applicability.

Referred to Committee on Natural Resources.

- SB 416. By Senators Johnson of the 1st, Hill of the 4th, Balfour of the 9th and others:

A bill to be known as the "Regulatory Reform Act of 1998"; to provide for a short title, findings, and a statement of purpose; to amend Chapter 3 of Title 1 of the Official Code of Georgia Annotated, relating to laws and statutes, so as to provide that the state and each county, municipality, consolidated government, school district, or political subdivision thereof shall be bound by each statute enacted by the General Assembly and by any rule or regulation.

Referred to Committee on Judiciary.

SB 417. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to provide for the nonpartisan nomination and election of the clerk of the State Court of Glynn County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 418. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to provide for the nonpartisan nomination and election of the solicitor-general of the State Court of Glynn County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 419. By Senators Griffin of the 25th, Ragan of the 11th, Bowen of the 13th and others:

A bill to amend Code Section 48-5-51 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide for an exemption from ad valorem taxation for dairy cattle; to provide for definitions, conditions, and limitations; to provide for applicability; to provide for effective dates; to provide for a referendum.

Referred to Committee on Finance and Public Utilities.

SB 420. By Senators Griffin of the 25th, Ragan of the 11th, Bowen of the 13th and others:

A bill to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to enact into law the Southern Dairy Compact and provide for the entry into the compact by the State of Georgia together with all other jurisdictions legally joining in the compact; to provide for the appointment, terms, duties, powers, per diem, expenses, and vacancies of members of the state's delegation to the Southern Dairy Compact Commission.

Referred to Committee on Agriculture.

The following committee report was read by the Secretary:

Mr. President:

The Committee on Ethics has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 459. Do pass as amended.

Respectfully submitted,

Senator Madden of the 47th District, Chairman

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Abernathy	Boshears	Brown, 26th
Balfour	Bowen	Brush
Blicht	Broun, 46th	Burton

Cagle	Hooks	Ralston
Cheeks	Huggins	Ray
Clay	James	Roberts
Crotts	Johnson,D	Scott
Dean	Johnson,E	Starr
Egan	Kemp	Stokes
Fort	Lamutt	Streat
Gillis	Land	Tanksley
Glanton	Langford	Taylor
Gochenour	Madden	Thomas,D
Griffin	Marable	Thompson
Guhl	Middleton	Turner
Harbison	Price,R	Tysinger
Henson	Price,T	Walker
Hill	Ragan	

Those not answering were:

Oliver	Perdue(PRS)	Thomas,N
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The President Pro Tempore led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Perdue of the 18th introduced the chaplain of the day, Jim Perdue of the University of Georgia Mission Field, who offered scripture reading and prayer.

The President assumed the Chair.

Pursuant to HR 727 the President announced as a Committee of Escort for the Joint Session the following Senators: Perdue of the 18th, Walker of the 22nd, Starr of the 44th, Hooks of the 14th, Gillis of the 20th, Broun of the 46th, Dean of the 31st, and Clay of the 37th.

Senator Tanksley of the 32nd introduced the doctor of the day, Dr. Phil Gingrey, of Marietta, Georgia.

The following resolutions were read and adopted:

SR 462. By Senator Land of the 16th:

A resolution commending Beallwood Area Network Development.

SR 465. By Senator Broun of the 46th:

A resolution commending Gerald and Joy Miller for being selected Farm Family of the Year by the Barrow County Chamber of Commerce.

SR 468. By Senators Tysinger of the 41st, Price of the 56th, Burton of the 5th and others:

A resolution recognizing and commending the Norcross High School Concert Band.

SR 469. By Senator Griffin of the 25th:

A resolution recognizing and commending Dr. James E. Baugh.

SR 470. By Senator Streat of the 19th:

A resolution declaring Retired Teachers at the Capitol Day.

Senator Walker of the 22nd moved that upon the dissolution of the Joint Session the Senate stand adjourned until 10 A.M. tomorrow, and the President announced the motion prevailed at 10:40 A.M.

The hour for convening the Joint Session of the Senate and House having arrived, the President, accompanied by the Secretary and Senators, proceeded to the Hall of the House of Representatives, and the Joint Session called for the purpose of hearing a message by His Excellency, Governor Zell Miller, was called to order by the President of the Senate. HR 727, authorizing the Joint Session of the Senate and House, was read by the Clerk of the House.

His Excellency, Governor Zell Miller, addressed the Joint Session of the Senate and the House of Representatives as follows:

STATE OF GEORGIA
OFFICE OF THE GOVERNOR
ATLANTA, GEORGIA 30334

REMARKS BY GOVERNOR ZELL MILLER
FY 99 Budget Address, 1/13/98

I come before you today to present the final budget of my administration. A budget, as I see it, is both a reflection of the state's priorities and a tool for implementing them. And I want to begin by thanking you for the careful consideration you have given to the previous budgets I have laid before you. We have not always agreed on exactly what should be in those budgets. But I have always had a great deal of respect for your positions. And I am always mindful that while governors may advocate, it is legislators who appropriate.

It was almost four decades ago that I first sat in this chamber as a legislator, and listened to a Governor explain his budget. He had not been into it three minutes before I was thinking of how I would have done it differently. I know how you think. I have sat where you sit.

But today we cannot think of the Georgia of nearly four decades ago. We must think of the Georgia four decades in the future.

Together we have set a course for this state that has met the very highest tests of fiscal responsibility. When I took office as governor in 1991, our rainy day reserve fund was bone dry. Today its cup runneth over. And for the first time in many years, it will be full for an incoming Governor.

This year, Georgia became one of only a handful of states to have Triple-A bond ratings from all three of the top bond rating services in the nation -- a "triple triple-A." These outstanding ratings are a reflection not only of our ability to manage debt responsibly, but also of our willingness to establish clear priorities and invest wisely in the critical infrastructure and resources Georgia needs to prosper in the future.

But one thing about progress -- there's always more of it to be made.

As you look through this budget report, you will find something new. As we implemented budget redirection to focus our resources on priority programs that work, we have also begun what I call "results based budgeting." For every budgeted program, you will see in writing the results that state agencies are hoping to achieve. I believe that putting our expenditures and our anticipated results hand-in-hand will help us do a better job of meeting the needs of Georgia's citizens.

The budget before you for Fiscal Year 1999 totals \$12.5 billion. Of that, \$11.8 billion is projected to come from taxes and fees, which is a 6.6 percent budget increase; \$530 million will come from lottery proceeds; and \$149 million will come from the Indigent Care Trust Fund.

This budget reflects \$334 million in tax cuts: \$129 million from removing the final cent of state sales tax from groceries, and \$205 million from the income tax cut proposed by the unified Democratic leadership.

This tax cut proposal, which would take effect January 1st of this year, would increase the standard exemptions for both individuals and dependents to \$2,700. The proposal would also raise the deduction for citizens over age 65 from \$700 to \$1,300. It will be the second time this administration has provided income tax relief for Georgia's senior citizens.

This tax cut will touch every Georgia citizen who is represented on a personal income tax form -- an estimated 5.2 million people. It will reduce the tax bill for a family of four by \$168. This is a 15 percent income tax cut.

It will be the second largest tax cut in Georgia history, surpassed only by the removal of the state sales tax from groceries, which, as I said, we are simultaneously completing in this same budget. When you add in the income tax cut of 1994, we will have enacted the three largest tax cuts in Georgia history within a five-year time span. Together they provide nearly \$900 million in tax relief for Georgia citizens.

In your budget document, there is a bar graph that shows how the money in this budget is distributed. As always, the largest share is devoted to education. And I am proud to say that during this administration we have not only increased the number of dollars the state devotes to education, but also the percentage of the budget.

Education accounts for 56.5 percent of this budget. And if you add in capital outlay, it is more than 57 percent. Some of it, of course, is due to the lottery. But exclude the lottery, and we have still increased both the dollars and the percentage of the general fund money that goes to education.

Children learn in the classroom. And if we want excellence in the classroom, we must be able to compete for the best teachers. So the largest expenditure in this budget is \$275 million to provide the fourth consecutive 6 percent pay raise to teachers in our public schools, technical institutes, colleges and universities. This fulfills the pledge I made four years ago.

Our public school teachers' salaries now are the highest in the Southeast, and, according to the Southern Regional Education Board, we are now poised to overtake the national average in the 1999 school year. If all the local systems had done their part, we'd already be there.

There is also \$3.7 million for our teacher Pay for Performance program, and it has been exciting to see this program grow. Any school that wants to participate, sets its own goals at the beginning of the school year for improving student achievement. If they achieve those goals by the end of the school year, they receive an award equal to \$2,000 for each teacher at the school. And they get to decide how to spend that money, no strings attached.

This budget also includes a 15 percent salary supplement for all Georgia teachers who become nationally certified. This will be the largest supplement given by any state in the nation.

For the past several years, we have been concentrating on funding educational technology. And the lottery has provided more than \$600 million for satellite dishes, classroom computers, media center CD-ROMs and Internet connections in every school. That was important. It was technology that our schools and libraries had to have.

But while we have been spending these hundreds of millions of new lottery funds needed for technology, we have not increased funds for that most fundamental learning tool of all -- a book.

So I am proposing that in this legislative session we buy one million new books for school media centers and public libraries. The supplemental budget has \$10 million to purchase 600,000 new books for all our public libraries. This budget includes \$5.2 million, which, combined with other existing funds, will buy 400,000 books for our school media centers. One million new books; it's a good investment!

This budget also contains close to \$20 million to provide grants for reading programs for our children. During the past three years, the Department of Education has piloted "Reading First," a very successful in-school reading program that includes specific training for teachers, high-quality materials and time that students devote exclusively to reading. It has been a high priority of Superintendent Schrenko and the board. This budget builds on that fine program with \$9 million for 500 more schools to implement "Reading First" in the early grades.

And we want to complement it with an after-school initiative that will start about fourth grade and go through middle school to catch up with those kids we missed. We have already been providing some funds to support after-school programs for middle-schoolers, who otherwise would be latch-key kids who might be tempted to get in trouble if left to their own devices.

These after-school programs are usually a combination of academic time for homework and community service. We want to provide grants to after-school program providers, both public and private, to include a reading program. And we hope that the availability of these funds will stimulate additional providers to undertake after-school programs for our children.

During this administration, public school enrollments have increased by more than 20 percent. And next year it will take an additional \$118 million just to catch our QBE formula up to enrollment growth.

We also need classrooms for all of these students. So I am recommending over \$114 million for construction in 35 school systems in this budget, which is in addition to \$79 million for construction in 45 systems in the supplemental budget.

Operating costs continue to rise for our schools, so \$9 million is included to provide an increase of \$7 per student in the maintenance and operation funds under the QBE formula.

Enrollments at our University System institutions also continue to grow, and an additional \$10 million is needed to fund the formula for another year.

A great University System requires a great faculty. When I took office, Georgia's faculty salaries ranked 5th among the southeastern states. Since then, we have raised faculty salaries well over 33 percent and now stand poised to rank first.

These salary increases have helped us retain outstanding faculty like Anne Hudson of Armstrong Atlantic State University, the 1996 National Faculty Member of the Year.

It has also allowed us to attract the best and brightest new faculty. The National Science Foundation, for example, ranks Georgia Tech number one in the nation in attracting top new young science faculty. MIT comes in second.

And the Georgia Research Alliance has lured 24 eminent scholars to Georgia to help with high tech economic development.

These fine faculty members are finding more and more students to teach. When I took office, the University System enrolled 180,000 degree students. Today it enrolls over 205,000. We've added 25,000 students, the equivalent of another Georgia State University. That's like adding the combined populations of those two great Georgia cities of Americus and Eastman!

I'm especially proud that we've increased opportunities for African-Americans. In that same time period, their enrollment increased from 28,000 to 45,000 -- an increase of 56 percent. African-Americans now represent 22 percent of our student enrollment. This encouraging trend promises to help Georgia have a bright economic and social future.

And our students have done us proud: Ivy Cadle of East Georgia College was named by USA TODAY as a 1997 first-team All USA Academic Team member -- one of only 20 students in the nation. UGA student Rob Sutherland and Georgia Tech student Ayodele Embry were winners in 1996.

Amy Lucas of Middle Georgia College won the highest honor awarded to a student athlete by the National Junior College Athletic Association for her combination of a 4.0 grade-point average and championship tennis.

Christopher Richardson graduated from Savannah State University with a double major in math and chemistry, and received \$330,000 in scholarships to finance his graduate studies toward a doctorate.

And the University of Georgia boasts two recent Rhodes Scholars -- Scott Herschovitz in 1998 and Rob Sutherland in 1996. Only 32 Rhodes Scholars are selected nationwide each year.

These students have studied in new and newly renovated buildings. When I became Governor, the University System was receiving \$12.9 million a year for renovations and repairs; today, it receives \$41 million.

If you approve the capital outlay in this budget, we will pass the \$1 billion mark in new construction for the University System during this administration.

We've also established distance learning classrooms which have made possible everything from telemedicine to degree courses in remote locations. We now have degrees offered entirely by computer.

In every corner of this state you can find an electronic wonder called GALILEO, which has become a national model. It is a working electronic library system that has already recorded over 3 million hits while other states are still wondering what to do.

There is \$6 million dollars in the budget to upgrade technology infrastructure, including a million dollars to train University System faculty and staff in the use of technology. You are all aware that the University System is raising its admission standards. And this budget includes \$2.8 million for "Partners in Success," a program to prepare students, beginning in high school and even in middle school, to be able to meet those higher standards.

Seventy percent of the jobs being created do not require college degrees, but do require technical skills. So, early in this administration, we set a goal of a tech school facility

within 45 minutes driving time of every Georgia citizen. With the opening of the satellite facilities now under construction, we will achieve that goal. Now we must equip and staff these new facilities as they open and begin to serve our citizens.

In the future, I'd like for it to be where students don't even have to leave home for technical education. So, there is \$500,000 in the budget to begin creation of a virtual technical institute. Web-based instruction will allow students to interact with teachers and classmates from their computers at home or at work.

We have also achieved our goal of having at least one full-time adult literacy teacher in every county in Georgia, and we are turning out GED graduates by the thousands. But we still have a long way to go, because we started out with a high proportion of adults who never completed high school.

I want to continue to expand our adult literacy programs by hiring 110 part-time instructors to improve the delivery of instructional services in local communities.

As I mentioned earlier, we are anticipating \$530 million in lottery proceeds for next year, bringing the grand total of education funds from the lottery to more than \$3 billion -- money for programs and improvements we would never have otherwise had.

\$218 million is for our award-winning pre-kindergarten program. This amount provides for an additional 2,000 slots, and expands the assistance for pre-K families who are at risk. The HOPE Scholarship Program is allocated \$213 million. And beginning this school year, home schoolers who finish their freshman year of college with at least a B average, will be reimbursed for the cost of tuition, fees and the book allowance at a public college, or the \$3,000 HOPE scholarship at a private college. Then, beginning with their sophomore year, home schoolers will be on the same footing as all other HOPE scholars.

The final category for lottery funds is educational technology and special capital outlay, which totals \$91 million: \$28 million will provide our schools with an allocation of \$22 per student to be used for equipment or technology-related teacher training. \$18 million will provide equipment for those new technical institute satellite facilities I have already mentioned. And \$15 million goes into the Equipment, Technology and Construction Trust Fund of the University System. This very successful matching fund enables our colleges and universities to leverage private donations in a dollar-for-dollar match.

I also want to continue our efforts to leverage private funds to endow faculty chairs at our colleges and universities. We began doing that for eminent scholars at our research universities. And it has proved a good way to help attract top-flight faculty.

I believe our other University System units can do the same thing. So I proposed \$2 million in matching funds in the supplemental budget to endow two faculty chairs at Macon College, and one each at Columbus State University and Armstrong Atlantic State University in Savannah.

As Governor, I spend most of my time on job creation. Not a day goes by that I am not doing something to try to get more and better-paying jobs in Georgia. And I have constantly wrestled with how to better address the unique characteristics and needs of the various parts of this diverse state of ours. Over and over, in dozens of regional meetings, I have listened to the advice of local public and private leaders. And what I am proposing in this budget is the result of what I have heard.

It is the largest single allocation of state resources in Georgia history to assist rural areas with economic development and to provide comprehensive, one-stop economic and community assistance at the regional level. It is a joint effort between the Departments

of Community Affairs and Industry, Trade and Tourism, and the funding is divided between these two departments.

We are in the process of identifying 11 state economic development regions that will cover all of Georgia outside of metro Atlanta. Each one will have an economic development team whose core will be two employees from the Department of Community Affairs and two employees from the Department of Industry, Trade and Tourism. And one of them will focus on workforce development.

Other state agencies like Labor, Technical and Adult Education, the University System, Defense and Human Resources will all cooperate and coordinate their economic development efforts in the region through the regional team.

So that communities and businesses will no longer have to work independently with five or six different state agencies, but can go to one place in the region for the state economic development resources they need.

Georgia is one of the top two states in the nation in the state funds we invest in research and development. And, largely because of that, we led the nation last year in the creation of new high-tech jobs. I proposed \$42 million in the supplemental budget for the Georgia Research Alliance to expand and strengthen our ability to commercialize the discoveries that come from those research labs.

Today, our focus shifts to the companion program of the Research Alliance -- the Traditional Industries Research Program. First, you should know that there is no other program like this one anywhere in the United States. Many states are investing in high-tech research, but no other state has the kind of broad-based, ongoing research program serving their traditional manufacturing base that Georgia has.

Historically, three manufacturing industries have formed the bedrock of Georgia's economy: pulp and paper, food processing, and textiles and carpet. Combined, they employ a quarter of a million Georgians -- nearly half of our manufacturing workforce.

The Traditional Industries program is a public-private partnership in which each industry identifies problems that are critical to their competitiveness, and then works closely with faculty at Georgia colleges and universities to solve those problems. Let me briefly give you three practical examples.

Currently, Georgia manufacturers use warehouse pallets made of wood that weigh about 67 pounds. But now, new federal safety regulations mandate that no pallet can weigh more than 57 pounds. So Traditional Industries researchers developed a new composite material from plastic and carpet and textile waste scraps that is as durable as wood, but much lighter in weight.

Another: Wastewater is an important problem for all of these industries. So, our researchers designed and helped install a closed-loop wastewater treatment system at a textile mill near Griffin. It is the first of its kind, and has helped cut the mill's wastewater discharge in half.

You may also remember the recent alarm over beef that was infected with E-coli bacteria. Here in Georgia, researchers have developed a new cattle vaccine against E-coli. And they are working with the FDA right now to get it on the market.

These are just three examples of the practical ways in which the Traditional Industries Research Program is serving the pulp and paper, textile and food processing industries of Georgia. So, you will find more than \$7 million in this budget to expand the activities of this important research program, bringing the total state investment to more than

\$34 million. And remember, these funds are matched by private sector investment from the companies who benefit from the research.

A fundamental part of the state's role in economic development is maintaining our infrastructure. And we've done a good job. Our highways have been ranked first in the nation, and I have proposed another \$135 million to continue expanding our network of four-lane economic development highways.

And, once again, to ensure that the large trucks on our highways meet all state and federal safety regulations, I recommend ten new enforcement officers who will be assigned to monitor trucks in high traffic areas, something that is greatly needed. The federal government will pay 80 percent of the cost, so we need only \$157,000 in state funds.

You will also find over \$17 million for our ports for navigation improvements at Savannah, and for the preliminary study and design work on channel deepening projects at both Savannah and Brunswick. Brunswick's channel is only 30 feet deep, far less than most ports on the South Atlantic. Savannah's channel is now at 42 feet, but our toughest competitor, Charleston, has begun preparations to deepen its channel to 45 feet, and we can't let them get ahead of us.

I am again recommending \$10.5 million to plan and design phase four of the World Congress Center. Right now, this facility is one of the top five convention centers in the United States, and it generates a lot of money for the City of Atlanta and the State of Georgia. But the demand for floorspace from supershows is growing, and if we want to remain one of the nation's leading convention destinations and keep those jobs that go with it, we must build that fourth phase. It is as simple as that.

Finally, in infrastructure investment, there is another \$20 million in bonds to provide water/sewer loans to local governments throughout the state, increasing our revolving loan fund by \$180 million during this administration.

In the area of human resources, the most important program in this budget proposal is the new Children's Health Insurance Program -- CHIP for short. It will leverage federal matching funds, and could provide health coverage for as many as 228,000 Georgia children.

Here's how it would work: CHIP will expand Medicaid coverage for pregnant women and children from birth to age five, up to 200 percent of the federal poverty level, which is \$32,100 a year for a family of four. This expansion will cover 24,000 more of our youngest children plus 1,700 pregnant women.

Children ages six to eighteen will continue to be covered under Medicaid, as they are now, up to 100 percent of the federal poverty level, or \$16,500 for a family of four. Then, school children with family income between \$16,500 and \$32,100 for a family of four, will be covered under private health insurance plans administered by the Merit System. The premiums will run about \$7.50 a month or 25 cents a day. This could cover 88,000 children who are presently uninsured.

Finally, parents of all other uninsured Georgia children whose income is above \$32,100 for a family of four, will be able to buy into the private health insurance plan at cost.

Some people have asked, "Why don't we just do a Medicaid expansion?" Let me try to answer that. By using both Medicaid and private insurance, we can get the best of both worlds. I believe that for three reasons:

First, according to teachers, dental and vision problems are among the health problems that interfere most with learning. Designing our own insurance plan allows us to incorporate dental and vision care and other preventive services school-age children need for

learning. At the same time, Medicaid will give our youngest citizens the type of services they need in their first five years of life.

Second, we can offer a private insurance package to those 116,000 Georgia children who are above 200 percent of the poverty level, but nevertheless lack health insurance. This option would not be available with a Medicaid expansion, and the health of these children is important, too.

Third, federal funds for this program are expected to decrease four years from now. This plan anticipates future changes and has long-term durability and adaptability.

Its implementation will require the Department of Medical Assistance to expand its existing program for pregnant women and pre-school children to include families up to 200 percent of the poverty level. And I wanted the Merit System to be involved with the insurance program, because they have a track record of providing health insurance for 500,000 state employees, public school teachers and their dependents.

It has not been easy, but the thrust of this administration has been to contain Medicaid costs, which during the years before I became Governor had been rising at the astronomical rate of 10 to 15 percent a year. I also wanted to curb Medicaid fraud, which had become a disgrace.

We have reduced Medicaid cost increases to about 2 percent a year, which is in line with inflation. And we have recovered over \$6 million in fraudulent claims from 61 fraud convictions since 1994. For every one dollar we have spent on fraud investigation, we have returned eight dollars to the state treasury, and in the process we have discouraged a lot of contemplated fraud.

There are hundreds of millions, perhaps billions of dollars being lost on fraud on the national level, and it's outrageous that more is not being done about it.

To continue Georgia's momentum on dealing with fraud and abuse, I am including \$3.5 million in this budget to create a 50-person fraud and abuse unit, which will have as one of its chief responsibilities detecting the fraud before the claims are even paid.

As a result of these cost-saving measures, we have been able to expand Medicaid coverage for children three times during this administration, including this latest expansion for our tiniest citizens. And while I'm on children, I want to tell you about another initiative I'm proposing and am very excited about. We know that a baby's brain continues to form after birth, not just growing bigger as toes and fingers do, but developing microscopic connections responsible for learning and remembering.

At birth, a baby has 100 billion or more neurons forming more than 50 trillion connections, or synapses as they are called, which sounds like a lot. But during the first months of life, the number of synapses increases 20 times to more than 1,000 trillion. This amazing growth allows a baby to do all kinds of miraculous things, from focusing its eyes on an object to shaping the word "Da-da."

The new research on brain development in babies is unbelievable. Time devoted a special issue to it, and I recommend its reading. I have a lot of research I'd be glad to share with you. Enrichment clearly makes a difference in brain development.

In October we had an early childhood development seminar for teachers, medical professionals, staff of our state agencies that work with children, and businesses with products and services for tiny customers. It was fascinating.

Why am I telling you all this in a speech that is already far too long? Because I want to propose something extraordinary that I don't think any other state does. And it is this. Research shows that reading to an infant, talking with an infant and especially having

that infant listen to soothing music helps those trillions of brain connections to develop, especially the ones related to math.

There is research that links the study of music to better school performance and higher scores on college entrance exams. There's even a study called the "Mozart effect" that showed after college students listened to a Mozart piano sonata for 10 minutes, their IQ scores increased by nine points. Some argue that it didn't last, but no one doubts that listening to music, especially at a very early age, affects the spatial-temporal reasoning that underlies math, engineering and chess.

So I propose that the parents of every baby born in Georgia -- over a 100,000 a year -- be given a cassette or CD of music to be played often in the baby's presence. It's not a big-ticket item in the budget -- only \$105,000 -- but I believe it can help Georgia children to excel.

I have asked Yoel Levi, the world-famous conductor of the Atlanta Symphony, to help me with the musical selections for the tape, although I already have some ideas. For instance, here's one that a Georgia baby might hear.

That, of course, is Beethoven's "Ode to Joy." Now don't you feel smarter already? Smart enough to vote for this budget item, I hope.

As I reported last week, we have been very successful in helping Georgians move off the welfare rolls and into the job market -- a decrease of 57,000 households since we began welfare reform, and a 25 percent decline in just the past year. However, the ones who remain on the rolls are those with the fewest skills and the least work experience. So we want to use \$30 million of the savings to expand the Welfare-to-Work program for hard-to-place recipients, and provide child care for an additional 12,625 children.

This budget also includes more than 16 million new dollars -- the most ever -- to improve foster care and expand adoption, which have been two major efforts of this administration.

Last fiscal year we placed a record high 744 children for adoption, and our new State Office of Adoptions has doubled the number of private adoption agencies it has under contract to place children. It has created one of only seven Websites in the nation to showcase Georgia's waiting children to a wider audience of prospective parents. A major part of our program is to place 550 special needs children.

We also continue to improve and expand our community-based services for the mentally ill and mentally retarded. Nearly \$15 million is redirected from state hospitals into community services, in accordance with the hospital reallocation formula to provide services for the mentally ill and for substance abusers.

When I became Governor, community-based services for severely emotionally disturbed children, or SEDs, were available in only two counties. But with this budget, service for severely emotionally disturbed children will be available in every county of the state.

When I became Governor, less than half of the state had any community-based services for chronically mentally ill adults or CMI. With this budget, CMI services will, for the first time, also be available statewide.

As a result of these expanding community-based services, admission to our 10 state mental hospitals has declined by 28 percent. This is why we will be able to close the Georgia Mental Health Institute, freeing up \$22 million. \$12 million will be used to complete statewide CMI funding, and \$10 million will go for needed services at the remaining state hospitals.

During this administration, we have also increased the number of community placements for mentally retarded citizens. Slots under Medicaid waivers have risen from 119 to over 2,500.

As promised, the money from closing Brook Run was first used to fund community placements for residents, or other institutional care for those too fragile to go into the community. And then, after providing for all 326 Brook Run residents, we were able to offer community-based care to 206 additional persons with mental retardation who, before, were not even being served.

In addition I am proposing that we continue our community-based services for the elderly. \$5.5 million in this budget will provide services for an additional 2,000-plus individuals under Medicaid and over 900 elderly clients who are not Medicaid eligible. During my administration funding for services for the elderly has increased over 80 percent.

Early in this administration we started The Family Connection, which provides a structure for local communities to coordinate their resources to meet the needs of at-risk families. Each local community tailors its efforts to meet its own particular needs. It has worked well, so we have been gradually expanding The Family Connection until, with this budget, it will be active in every county of the state, making a difference in the quality of life for families and children who are at risk. This is another \$3 million well spent.

As violent crime by juveniles increases, we are struggling to find places to put all of the juveniles committed to our care. My supplemental budget contains 550 new juvenile beds. And in this big budget I am recommending nearly \$23 million to annualize those beds and open more -- a total of almost 1,200 new beds at six facilities.

I am also recommending planning funds for a new RYDC in Albany. These new and expanded facilities will bring the number of YDC beds to over 3,300 and the number of RYDC beds to nearly 1,500 by FY 2001.

But we must do more than just lock up juveniles. So I propose over \$2 million to expand education programs, giving all children in the RYDC system five and a-half hours of education every school day.

This budget contains the \$600,000 needed to match \$1.6 million in federal funds for the Department of Defense's Youth Challenge Program. The 9th class of 186 students graduated last Saturday. These funds will serve another 350 students next year.

Once again, the Corrections Department budget opens more new beds. Ten million dollars will annualize the operating cost for 1,344 new beds opening at five new prisons -- Wilcox, Washington, Smith in Tattnall County, Macon and Coastal. Another 1,500 new beds will come on line as three new private facilities open in Coffee, Charlton and Wheeler Counties. And another \$2.4 million will annualize the operating cost of 768 new beds for Pulaski State Prison and Augusta State Medical Prison.

The opening of all these beds brings the total number of new prison beds we have made available during this administration to 20,717. That is a Georgia record. And, make no mistake about it, were it not for this dramatic increase, it would be pointless for anyone to even talk about abolishing parole.

I want to further expand inmate access to educational instruction. So there is a million dollars for 17 existing prison-based distance learning sites and seven new sites.

Remember all those editorials and dire comments about how it wouldn't work when we moved education programs to the evening after the prison workday was over, and added distance learning?

Today I am pleased to report that in the first six months, inmates utilized virtually all of the distance learning hours we made available to them. And they did it mostly in the evening, after the prison work day was over. There has been a 75 percent increase in the number of those participating in classes, and a 58 percent increase in the number of inmates taking the GED exam. Next year, with the addition of these seven new sites, we expect GED exams to double compared to a year ago.

There is also \$2 million to hire another 80 probation officers to allow the department to place more emphasis on supervision of the highest risk probationers.

As violent crime increases, so does our need for improved facilities at our crime labs. In the supplemental budget, I recommended funds to double the number of counties with terminals for our AFIS computer system. These terminals allow law enforcement officers to do automated fingerprint checks and to tap into the state's database of criminal fingerprints.

In this budget, there is \$1.2 million for a morgue building adjacent to the State Crime Lab. It is greatly needed to relieve overcrowding at the lab and allow medical examiner services to be expanded.

Two years ago, I announced the successful completion of Preservation 2000, which has preserved over 100,000 acres of wildlife habitat, beautiful natural features and green space for the enjoyment of our citizens.

And then, we immediately began RiverCare 2000, to protect more of Georgia's river corridors. In this budget is \$20 million in bonds for RiverCare, bringing the total state funding for this program to \$43.4 million.

Much of this money will purchase tracts of land along the Chattahoochee River between White County, where it is a clear, rushing mountain stream, and Muscogee County, where it forms the boundary between Georgia and Alabama.

I don't have to tell any of you that the Chattahoochee is one of the most abused rivers in the nation. This initiative will help promote water quality, protect wildlife habitat, limit development in flood-prone areas, and provide public access for boating, fishing and other recreational uses. It could also, and this is very important, leverage significant amounts of private, local and federal money for protecting this important river corridor.

And the state will work closely with local governments, the federal government and national organizations like The Conservation Fund, The Nature Conservancy and the Trust for Public Land, in this major effort to preserve the mighty Chattahoochee.

Along with this funding, you will find bonds in the budget for the construction of the West Georgia reservoir, because the water supply needs of the western part of the state are growing increasingly critical. We are all aware that this project presents some environmental considerations, so there is specific language dictating that all state and federal regulations, including the water compact recently approved by Congress, must be met before the bonds are sold.

And speaking of Georgia's waterways, as more Georgians take to the water, we have been experiencing an increase in boating accidents. DNR will ask you to strengthen the law on reckless boating and boating under the influence of alcohol or drugs. But we also need to be able to enforce the law. So you will find funding in the Department of Natural Resources for 20 more law enforcement officers to patrol our waterways.

I also want to strengthen the Environmental Protection Division with 26 new positions to improve the management of our water resources and implement our water compacts with Alabama and Florida.

Last, but certainly not least, this budget also includes funds for the second year of Georgia Gain, a pay for performance system for state employees. This system allows us to base salary increases on merit and performance. The days of automatic, across-the-board increases in Georgia are gone. We now have a process which allows us to reward and retain high performers.

This has been an extremely long speech, even by Miller standards, and I can tell that I am about to be drowned out by the music of growling stomachs, which, unlike Mozart, is not likely to make us any smarter. So I close with one of my favorite quotes from Abraham Lincoln, speaking to his legislature, "The dogmas of the quiet past are inadequate to the stormy present... As our case is new, so must we think anew and act anew."

On the cusp of another General Assembly, on the cusp of another century, on the cusp of a new millennium, we in Georgia are called to think and act not from the dogmas of the past, but to continue our vision of the future. That, my friends, is what this budget does.

The President of the Senate announced the Joint Session dissolved.

Pursuant to the provisions of a previously adopted motion, the Senate stood adjourned until 10:00 A.M. tomorrow.

Senate Chamber, Atlanta, Georgia
 Wednesday, January 14, 1998
 Third Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President Pro Tempore, Senator Perdue of the 18th.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1148. By Representatives McBee of the 88th, Heard of the 89th and Hudgens of the 24th:

A bill to amend an Act providing for the Board of Education of Clarke County, so as to change the provisions relating to elections of members of said board.

HB 1168. By Representatives Murphy of the 18th, Stallings of the 100th and West of the 101st:

A bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Carroll County; to provide for the method of distribution of proceeds of such tax between the Carroll County School District and the independent school districts located wholly or partially within Carroll County.

The following bills were introduced, read the first time and referred to committees:

SB 421. By Senators Perdue of the 18th, Marable of the 52nd, Madden of the 47th and others:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile court proceedings, so as to define a term; to limit access to juvenile fingerprint records to the administration of criminal justice; to require that all children charged with acts which would be a felony if committed by an adult be fingerprinted and photographed; to authorize fingerprinting a juvenile if latent fingerprints are found at a crime scene under certain circumstances.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 422. By Senators Dean of the 31st, Marable of the 52nd, Guhl of the 45th and Gillis of the 20th:

A bill to amend Code Section 27-2-4 of the Official Code of Georgia Annotated, relating to honorary hunting and fishing licenses, so as to provide for honorary fishing licenses for certain peace officers and provide for terms and conditions relating thereto; to provide for unlawful acts.

Referred to Committee on Natural Resources.

SB 423. By Senators Dean of the 31st, Marable of the 52nd, Guhl of the 45th and Gillis of the 20th:

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A bill to amend Article 4 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to the Claims Advisory Board, so as to exclude certain small claims from payment by the Claims Advisory Board and the state department or agency affected.

Referred to Committee on State and Local Governmental Operations (General).

SB 424. By Senators Ragan of the 11th, Griffin of the 25th, Streat of the 19th and others:

A bill to amend Article 1 of Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to general provisions regarding emergency medical services, so as to change the provisions relating to applicability of the chapter.

Referred to Committee on Health and Human Services.

SB 425. By Senators Dean of the 31st, Oliver of the 42nd and Marable of the 52nd:

A bill to amend Part 4A of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to enhanced criminal penalties for any person who wears or has in his or her possession a bulletproof vest during the commission or the attempted commission of an armed robbery; to make such additional penalties mandatory.

Referred to Committee on Judiciary.

SB 426. By Senators Harbison of the 15th, Hill of the 4th and Glanton of the 34th:

A bill to amend Code Section 50-3-4.1 of the Official Code of Georgia Annotated, relating to displaying copies of national motto and American and Georgia flags in certain places.

Referred to Committee on Defense and Veterans Affairs.

SB 427. By Senators Starr of the 44th, Bowen of the 13th, Dean of the 31st and others:

A bill to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from criminal prohibitions against carrying weapons in certain manners or certain places, so as to provide an exemption for retired members of the Georgia State Patrol and retired agents of the Georgia Bureau of Investigation.

Referred to Committee on Public Safety.

SB 428. By Senators James of the 35th, Boshears of the 6th, Brown of the 26th and Thomas of the 10th:

A bill to amend Code Section 16-11-38 of the Official Code of Georgia Annotated, relating to the wearing of a mask, hood, or other device which conceals the identity of the wearer, so as to provide for certain additional exceptions.

Referred to Committee on Judiciary.

SB 429. By Senators Langford of the 29th, Madden of the 47th and Kemp of the 3rd:

A bill to amend Code Section 20-2-281 of the Official Code of Georgia Annotated, relating to assessment of the effectiveness of educational programs, so as to require students in the third, fifth, and eighth grades to achieve a satis-

factory score on reading and mathematics tests before promotion to the next grade level; to authorize the State Board of Education to promulgate certain regulations.

Referred to Committee on Education.

SB 430. By Senator Langford of the 29th:

A bill to amend Code Section 20-2-157 of the Official Code of Georgia Annotated, relating to a uniform reporting system for educational scholarships and other purposes, so as to require graduating seniors to meet attendance and discipline standards in order to qualify for a HOPE or HOPE Plus scholarship for their first year of postsecondary education; to authorize and direct the State Board of Education to establish such standards by rule.

Referred to Committee on Education.

SB 431. By Senators Marable of the 52nd, Dean of the 31st, Madden of the 47th and others:

A bill to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for a short title; to provide for legislative findings; to provide definitions; to require health insurers to provide coverage for a minimum of inpatient care following a mastectomy or lymph node dissection; to provide for coverage by insurers of postmastectomy and postlymph node dissection care.

Referred to Committee on Health and Human Services.

SB 432. By Senators Griffin of the 25th, James of the 35th, Walker of the 22nd and others:

A bill to amend Code Section 34-4-3 of the Official Code of Georgia Annotated, relating to the amount of the minimum wage; to provide for incremental adjustments of the minimum wage.

Referred to Committee on Insurance and Labor.

SR 472. By Senators Johnson of the 1st, Lamutt of the 21st and Clay of the 37th:

A resolution proposing an amendment to the Constitution so as to authorize, upon approval in a local referendum, the freezing of existing residential real property values and to provide that residential real property and interests therein shall be appraised for ad valorem taxation purposes at their fair market value as of the date of the owner's acquisition thereof; to provide for conditions and limitations; to provide for authority of the General Assembly with respect to the foregoing.

Referred to Committee on Finance and Public Utilities.

SR 474. By Senators Harbison of the 15th, Hill of the 4th and Glanton of the 34th:

A resolution to urge the President of the United States and the United States Congress to further recognize the services rendered to this country during the Vietnam War by Hmong and Lao soldiers by granting full and immediate United States citizenship to those who are currently living as legal immigrants in this country.

Referred to Committee on Defense and Veterans Affairs.

SR 477. By Senators Walker of the 22nd, Perdue of the 18th, Stokes of the 43rd and others:
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 A resolution creating the Bipartisan Joint Commission on Parole Abolition and Sentencing Reform.

Referred to Committee on Corrections, Correctional Institutions & Property.

The following committee report was read by the Secretary:

Mr. President:

The Committee on Natural Resources has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 86. Do pass.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Senator Ralston of the 51st moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 49, nays 0; the motion prevailed, and Senator Middleton was excused.

The President Pro Tempore called for the morning roll call, and the following Senators answered to their names:

Balfour	Guhl	Ragan
Blitch	Harbison	Ralston
Boshears	Henson	Ray
Bowen	Hill	Roberts
Broun, 46th	Hooks	Scott
Brown, 26th	Huggins	Starr
Burton	James	Stokes
Cagle	Johnson,D	Streat
Cheeks	Johnson,E	Tanksley
Clay	Kemp	Taylor
Crotts	Lamutt	Thomas,D
Dean	Land	Thomas,N
Egan	Langford	Thompson
Fort	Madden	Turner
Gillis	Marable	Tysinger
Glanton	Oliver	Walker
Gochenour	Price,R	
Griffin	Price,T	

Those not answering were:

Abernathy	Middleton (excused)
Brush	Perdue(PRS)

The President Pro Tempore led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Broun of the 46th introduced the chaplain of the day, Reverend Bill Ricketts, pastor of Prince Avenue Baptist Church, Athens, Georgia, who offered scripture reading and prayer.

Senator Fort of the 39th introduced the doctor of the day, Dr. Joy Maxey, of Atlanta, Georgia.

Senators Johnson of the 1st and Johnson of the 2nd introduced the Mayor of Savannah, who addressed the Senate briefly.

The following bills were read the first time and referred to committee:

HB 1148. By Representatives McBee of the 88th, Heard of the 89th and Hudgens of the 24th:

A bill to amend an Act providing for the Board of Education of Clarke County, so as to change the provisions relating to elections of members of said board.

Referred to Committee on State and Local Governmental Operations.

HB 1168. By Representatives Murphy of the 18th, Stallings of the 100th and West of the 101st:

A bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Carroll County; to provide for the method of distribution of proceeds of such tax between the Carroll County School District and the independent school districts located wholly or partially within Carroll County.

Referred to Committee on State and Local Governmental Operations.

The following resolutions were read and adopted:

SR 471. By Senator Dean of the 31st:

A resolution commending the Paulding County Builders Association.

SR 473. By Senators Clay of the 37th, Tanksley of the 32nd, Lamutt of the 21st and Scott of the 36th:

A resolution commending the Walker School Wolverines Men's Soccer Team.

SR 475. By Senator Thompson of the 33rd:

A resolution recognizing and commending Ms. Rosalie Andrews.

HR 751. By Representatives Crawford of the 129th, Reaves of the 178th, McBee of the 88th and Ray of the 128th:

A resolution commending Mrs. Jane Ashley.

The President assumed the Chair.

Senator Broun of the 46th introduced the President of the University of Georgia, Michael Adams, commended by SR 464, adopted previously. Dr. Adams addressed the Senate briefly.

Senator Tanksley of the 32nd moved that Senator Thompson of the 33rd be excused. On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Thompson was excused.

SENATE CALENDAR

Wednesday, January 14, 1998
THIRD LEGISLATIVE DAY

SR 459 Senator from 38th District censuring (Amendment)(Ethics-47th)

The following resolution of the Senate was read and put upon its adoption:

SR 459. By Senators Madden of the 47th, Cheeks of the 23rd, Oliver of the 42nd and Middleton of the 50th:

A resolution censuring the Senator from the 38th District for misconduct.

A RESOLUTION

Censuring the Senator from the 38th District for misconduct; and for other purposes.

WHEREAS, Article III, Section IV, Paragraph VII of the Constitution of the State of Georgia confers upon the Senate the power to punish members of the Senate for disorderly behavior or misconduct; and

WHEREAS, on Monday, December 1, 1997, the Senator from the 38th District was detained and searched by agents of the United States Customs Service at Hartsfield Atlanta International Airport upon his arrival on a flight from Jamaica; and

WHEREAS, upon searching the Senator from the 38th District, a small amount of marijuana was found concealed in his clothing; and

WHEREAS, in accordance with policies of the United States government, no criminal charges were brought against the Senator upon his agreement to pay a \$500.00 civil penalty; and

WHEREAS, in a written statement issued by his office, the Senator from the 38th District acknowledged the seizure and stated that he had made a mistake; and

WHEREAS, as trustees of the people, the members of the Senate should rightfully be held to the highest moral, ethical, and legal standards of conduct in their official duties and in their public and private lives; and

WHEREAS, the abuse of controlled substances, dangerous drugs, and marijuana has been the subject of numerous bills and resolutions in this body, and the harmful effects on the individual and on society caused by the illegal possession, manufacture, distribution, and use of these substances cannot be denied; and

WHEREAS, this body has repeatedly and consistently expressed the public policy of this state that the possession and abuse of these substances will not be tolerated; and

WHEREAS, any action by a Senator which violates a state or federal law concerning the illegal possession or use of marijuana brings the integrity and reputation of the Senate and of every member of this body into question and clearly constitutes misconduct; and

WHEREAS, the citizens of Georgia have every right to expect the members of the Senate to observe the highest ethical standards and to obey the laws of this state.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that the Senator from the 38th District is hereby censured for misconduct.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the Senator from the 38th District.

The Senate Ethics Committee offered the following amendment:

Amend SR 459 by striking the word "small" and inserting in lieu thereof "misdemeanor" on line 13 of page 1.

On the adoption of the amendment, the yeas were 50, nays 1, and the amendment was adopted.

Senator Clay of the 37th offered the following amendment:

Amend SR 459 by inserting ", Ralph David Abernathy III," following the word "District" on lines 1, 8, and 20 of page 1 and line 10 of page 2 and by inserting ", Ralph David Abernathy III" following the word "District" on line 12 of page 1 and line 14 of page 1.

Senator Balfour of the 9th called for the yeas and nays; the call was sustained and the vote was as follows:

Abernathy	N	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
N Blicht	N	Harbison	N	Ragan
Y Boshears	N	Henson	Y	Ralston
N Bowen	N	Hill	Y	Ray
N Broun, 46th	N	Hooks	Y	Roberts
Brown, 26th	N	Huggins	N	Scott
Y Brush	N	James	N	Starr
Y Burton	N	Johnson,D	N	Stokes
Y Cagle	Y	Johnson,E	N	Streat
Y Cheeks	N	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	N	Taylor
N Crotts	N	Land	Y	Thomas,D
N Dean	Y	Langford	N	Thomas,N
Y Egan	N	Madden	N	Thompson
N Fort	N	Marable	N	Turner
N Gillis	EX	Middleton	Y	Tysinger
Y Glanton	N	Oliver	N	Walker
Y Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 22, nays 31, and the Clay amendment was lost.

Senator Balfour of the 9th offered the following amendment:

Amend SR 459 by striking line 15 thru 18 and adding "Whereas, the Senator agreed to pay a \$500.00 civil penalty for smuggling illegal drugs into the United States; and"

On the adoption of the amendment the President ordered a roll call and the vote was as follows:

Abernathy	N	Gillis	N	Marable
Y Balfour	Y	Glanton	EX	Middleton
N Blicht	N	Griffin	N	Oliver
Y Boshears	Y	Guhl	Y	Price,R
N Bowen	N	Harbison	Y	Price,T
N Broun, 46th	N	Henson	N	Ragan
Brown, 26th	N	Hill	Y	Ralston
Y Brush	N	Hooks	Y	Ray
Y Burton	N	Huggins	Y	Roberts
Y Cagle	N	James	N	Scott
Y Cheeks	N	Johnson,D	N	Starr
Y Clay	Y	Johnson,E	N	Stokes
Y Crotts	N	Kemp	N	Streat
N Dean	Y	Lamutt	Y	Tanksley
N Egan	N	Land	N	Taylor
N Fort	N	Langford	Y	Thomas,D
	N	Madden	N	Thomas,N

Senate Chamber, Atlanta, Georgia
Thursday, January 15, 1998
Fourth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 336. By Representatives Cummings of the 27th and Shanahan of the 10th:

A bill to amend Article 5 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Georgia Firemen's Pension Fund, so as to provide for creditable service for certain prior service.

HB 1162. By Representatives Walker of the 141st, Buck of the 135th, Lee of the 94th and others:

A bill to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to increase the amount of taxpayer and dependent exemptions with respect to Georgia taxable net income; to increase the amount of the deduction in lieu of a personal exemption with respect to estates or trusts; to increase the amount of deductions that may be taken by taxpayers who have reached age 65 or are blind.

The House has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 470. By Senator Streat of the 19th:

A resolution declaring Retired Teachers at the Capitol Day.

The following bills were introduced, read the first time and referred to committees:

SB 433. By Senators Tysinger of the 41st, Lamutt of the 21st and Oliver of the 42nd:

A bill to amend Chapter 12 of Title 10 of the Official Code of Georgia Annotated, the "Georgia Electronic Records and Signatures Act," so as to change the provisions relating to definitions; to change the provisions regarding accepting or agreeing to be bound by certain electronic records; to retain sovereign immunity; to amend Chapter 29 of Title 50 of the Official Code of Georgia Annotated, the "Information Technology Policy Act of 1995."

Referred to Committee on Science, Technology and Industry.

SB 434. By Senators Clay of the 37th, Balfour of the 9th and Lamutt of the 21st:

A bill to amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, so as to provide that only individuals or legally married couples may adopt a child or children.

Referred to Committee on Judiciary.

SB 435. By Senators Clay of the 37th, Balfour of the 9th and Lamutt of the 21st:

A bill to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, so as to limit the extension of insurance and employee benefits by cities or counties.

Referred to Committee on Judiciary.

SB 436. By Senator Land of the 16th:

A bill to amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to coverage of claims against uninsured motorists, so as to change certain provisions relating to service of process upon insurance companies which issued uninsured motorist policies; to provide for applicability.

Referred to Committee on Judiciary.

SB 437. By Senators Tysinger of the 41st, Hooks of the 14th, Starr of the 44th and Perdue of the 18th:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change certain publication requirements for competitive bids; to require reporting of certain bid opportunities; to change the provisions regarding publishing notice of proposed projects requiring professional services and definitions and exemptions relating thereto.

Referred to Committee on Science, Technology and Industry.

SB 438. By Senator James of the 35th:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide standards for the design, operation, and maintenance of public swimming pools; to provide for legislative purpose; to provide definitions; to provide for annual permits; to provide requirements relating to structural design and materials, water supply and quality, general safety precautions, electrical safety, hygiene, bather preparation facilities, and bather supervision.

Referred to Committee on Health and Human Services.

SB 439. By Senators Glanton of the 34th, Price of the 28th and Johnson of the 1st:

A bill to amend Article 2 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to the issuance, expiration, and renewal of drivers' licenses, so as to provide a religious exemption from the requirement that applicants be fingerprinted.

Referred to Committee on Public Safety.

SB 440. By Senators Glanton of the 34th, Gochenour of the 27th and Johnson of the 1st:

A bill to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide for covenant marriage; to provide for a short title; to provide for definitions; to provide for procedures;

to provide for conditions and limitations; to provide for duties and authority of the office of Attorney General; to provide an effective date.

Referred to Committee on Special Judiciary.

SB 441. By Senators Glanton of the 34th, Gochenour of the 27th and Price of the 28th:

A bill to amend Code Section 21-5-34 of the Official Code of Georgia Annotated, relating to disclosure statements relative to campaign contributions, so as to provide that the Secretary of State shall post each such report in such a manner as to be readily accessible via the Internet; to provide that such reports shall be filed with the Secretary of State in electronic format.

Referred to Committee on Ethics.

SB 442. By Senator Langford of the 29th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to limit the application of Code Sections 16-6-2, relating to sodomy, and 16-6-18, relating to fornication.

Referred to Committee on Judiciary.

SB 443. By Senators Oliver of the 42nd and Scott of the 36th:

A bill to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of motor vehicle drivers' licenses, so as to provide for revocation of drivers' licenses of persons convicted of certain unlawful transportation of a firearm in a motor vehicle; to provide for related matters; to provide for applicability.

Referred to Committee on Public Safety.

SB 444. By Senators Oliver of the 42nd, Scott of the 36th, Stokes of the 43rd and Thomas of the 10th:

A bill to amend Title 16 and Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to crimes and the uniform rules of the road, respectively, so as to provide for uniform enforcement of statutory provisions relative to conduct in public transit buses, rapid rail cars, and stations.

Referred to Committee on Judiciary.

SB 445. By Senators Oliver of the 42nd and Starr of the 44th:

A bill to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the Quality Basic Education Act, so as to provide for Carnegie unit curriculum credits for completion of an approved driver education course in a driver training school; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses.

Referred to Committee on Education.

SB 446. By Senators Johnson of the 1st, Johnson of the 2nd, Hooks of the 14th, Oliver of the 42nd and Hill of the 4th:

A bill to amend Part 1 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions regarding historic areas, so as to provide for preservation of state owned historic properties; to provide

for definitions; to encourage the location of state facilities in historic districts and the utilization of historic properties; to provide for legislative intent.

Referred to Committee on Appropriations.

SB 447. By Senators Marable of the 52nd, Dean of the 31st, Clay of the 37th and others:

A bill to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to provide for the appointment of an educational care team upon application by a local board of education; to provide for the duties of an educational care team; to provide for related matters; to provide an effective date.

Referred to Committee on Education.

SR 478. By Senator James of the 35th:

A resolution urging the Environmental Protection Division of the Department of Natural Resources to develop and implement a water treatment pilot project which utilizes the water purification technology, known as the Regenerative Activated Carbon Filtration System, engineered and developed by Custom Engineers Systems, Inc.

Referred to Committee on Natural Resources.

SR 479. By Senators Glanton of the 34th, Johnson of the 1st and Balfour of the 9th:

A resolution claiming sovereignty under the Tenth Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.

Referred to Committee on Judiciary.

SR 481. By Senator Tysinger of the 41st:

A resolution authorizing the conveyance of certain state owned real property located in DeKalb County, Georgia; to provide an effective date.

Referred to Committee on Finance and Public Utilities.

The following bills were read the first time and referred to committees:

HB 336. By Representatives Cummings of the 27th and Shanahan of the 10th:

A bill to amend Article 5 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Georgia Firemen's Pension Fund, so as to provide for creditable service for certain prior service.

Referred to Committee on Retirement.

HB 1162. By Representatives Walker of the 141st, Buck of the 135th, Lee of the 94th and others:

A bill to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to increase the amount of taxpayer and dependent exemptions with respect to Georgia taxable net income; to increase the amount of the deduction in lieu of a personal exemption with respect to estates or trusts; to increase the amount of deductions that may be taken by taxpayers who have reached age 65 or are blind.

Referred to Committee on Finance and Public Utilities.

Senator Walker of the 22nd assumed the Chair.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Public Safety has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 142. Do pass by substitute. SB 403. Do pass as amended.

Respectfully submitted,

Senator Bowen of the 13th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 216. Do pass as amended. HB 1148. Do pass.
 HB 1031. Do pass. HB 1168. Do pass.
 HB 1032. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Corrections, Correctional Institutions & Property has had under consideration the following bill and resolutions of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SR 463. Do pass. SR 477. Do pass.
 SB 409. Do pass by substitute.

Respectfully submitted,

Senator Dean of the 31st District, Chairman

Senator Dean of the 31st moved that Senator Thompson of the 33rd be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Thompson was excused.

Senator Perdue of the 18th moved that Senator Starr of the 44th be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Starr was excused.

Senator Walker of the 22nd called for the morning roll call, and the following Senators answered to their names:

Balfour	Clay	Harbison
Blicht	Crotts	Henson
Boshears	Dean	Hill
Bowen	Egan	Hooks
Broun, 46th	Fort	Huggins
Brown, 26th	Gillis	James
Brush	Glanton	Johnson,D
Burton	Gochenour	Johnson,E
Cagle	Griffin	Kemp
Cheeks	Guhl	Lamutt

Land	Price,T	Streat
Langford	Ragan	Tanksley
Madden	Ralston	Taylor
Marable	Ray	Thomas,D
Middleton	Roberts	Thomas,N
Oliver	Scott	Turner
Perdue	Stokes	Tysinger
Price,R		

Those not answering were:

Abernathy	Thompson (excused)
Starr (excused)	Walker(PRS)

Senator Walker of the 22nd led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Walker of the 22nd introduced Ms. Gail Lavaughn, who sang Georgia on My Mind.

Senator Walker of the 22nd introduced the chaplain of the day, Reverend Marvin McRae, of Mt. Vernon Baptist Church, Augusta, Georgia, who offered scripture reading and prayer.

The following communications were received and read by the Secretary:

The General Assembly
State Capitol
Atlanta
January 15, 1998

Honorable Pierre Howard
Lieutenant Governor
240 State Capitol
Atlanta, GA 30334

Dear Lieutenant Governor Howard:

Pursuant to your call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 14, 1998, in the Senate Chamber of the state capitol building. At that caucus Honorable Emory C. McClinton was elected as a member of the State Transportation Board from the Fifth Congressional District to serve a term beginning april 16, 1998, and expiring April 15, 2003.

Respectfully submitted,
/s/ GRACE W.DAVIS
REPRESENTATIVE, 48TH DISTRICT
CHAIRMAN
FIFTH CONGRESSIONAL DISTRICT
CAUCUS
/s/ TYRONE BROOKS
REPRESENTATIVE, 54TH DISTRICT
SECRETARY
FIFTH CONGRESSIONAL DISTRICT

The General Assembly
State Capitol
Atlanta

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TO: HONORABLE LEWIS MASSEY
SECRETARY OF STATE

This is to certify that Honorable Emory C. McClinton has been elected pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the Fifth Congressional District for a term of five years and until his successor is elected and qualified, such term beginning April 16, 1998, and expiring April 15, 2003.

This 15th day of January, 1998.
/s/ Pierre Howard

PRESIDENT OF THE SENATE
/s/ Thomas B. Murphy
SPEAKER, HOUSE OF REPRESENTA-
TIVES

The General Assembly
State Capitol
Atlanta
January 15, 1998

Honorable Pierre Howard
Lieutenant Governor
240 State Capitol
Atlanta, GA 30334

Dear Lieutenant Governor Howard:

Pursuant to your call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 14, 1998, in the Senate Chamber of the state capitol building. At that caucus Honorable W.P. "Billy" Langdale was elected as a member of the State Transportation Board of the Second Congressional District to serve a term beginning April 16, 1998, and expiring April 15, 2003.

Respectfully submitted,
/s/ JAY SHAW
REPRESENTATIVE, 176TH DISTRICT
CHAIRMAN
SECOND CONGRESSIONAL DISTRICT
CAUCUS
/s/ TIM GOLDEN
REPRESENTATIVE, 177TH DISTRICT
SECRETARY
SECOND CONGRESSIONAL DISTRICT
CAUCUS

www.libtool.com.cn The General Assembly
State Capitol
Atlanta

TO: HONORABLE LEWIS MASSEY
SECRETARY OF STATE

This is to certify that Honorable W.P. "Billy" Langdale has been elected pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the Second Congressional District for a term of five years and until his successor is elected and qualified, such a term beginning April 16, 1998, and expiring April 15, 2003.

This 15th day of January, 1998.
/s/ PIERRE HOWARD

PRESIDENT OF THE SENATE
/s/ THOMAS B. MURPHY
SPEAKER, HOUSE OF REPRESENTA-
TIVES

The General Assembly
State Capitol
Atlanta
January 15, 1998

Honorable Pierre Howard
Lieutenant governor
240 State Capitol
Atlanta, GA 30334

Dear Lieutenant Governor Howard:

Pursuant to you call for a caucus under the provisions of O.C.G.A. Section 32-2-20, a caucus was held on January 14, 1998, in the Senate Chamber of the state capitol building. At that caucus Honorable Tom Triplett was elected as a member of the State Transportation Board from the First Congressional District to serve a term beginning April 16, 1998, and expiring April 15, 2003.

Respectfully submitted,
/s/ ROGER C. BYRD
REPRESENTATIVE, 170TH DISTRICT
CHAIRMAN
FIRST CONGRESSIONAL DISTRICT

CAUCUS
/s/ ANNE MUELLER
REPRESENTATIVE, 152ND DISTRICT
SECRETARY
FIRST CONGRESSIONAL DISTRICT
CAUCUS

The General Assembly
State Capitol
Atlanta

www.libtool.com.cn

TO: HONORABLE LEWIS MASSEY
SECRETARY OF STATE

This is to certify that Honorable Tom Triplett has been elected, pursuant to the provisions of O.C.G.A. Section 32-2-20, as a member of the State Transportation Board from the First Congressional District for a term of five years and until his successor is elected and qualified, such term beginning April 16, 1998, and expiring April 15, 2003.

This 15th day of January, 1998
/s/ PIERRE HOWARD

PRESIDENT OF THE SENATE
/s/ THOMAS B. MURPHY
SPEAKER, HOUSE OF REPRESENTATIVES

The following resolutions were read and adopted:

SR 476. By Senators Hooks of the 14th, Taylor of the 12th and Bowen of the 13th:

A resolution recognizing the Fiftieth Anniversary Year of South Georgia Technical Institute in Americus, Georgia.

SR 480. By Senators Blich of the 7th and Taylor of the 12th:

A resolution commending D. Ray James on the occasion of his retirement and 85th birthday.

Senator Thomas of the 54th introduced the doctor of the day, Dr. Bill Barnwell, of Dalton, Georgia.

Senator Dean of the 31st moved that the following bill be withdrawn from the Committee on State and Local Governmental Operations (General) and committed to the Committee on Corrections, Correctional Institutions and Property:

SB 423. By Senators Dean of the 31st, Marable of the 52nd, Guhl of the 45th and Gillis of the 20th:

A bill to amend Article 4 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to the Claims Advisory Board, so as to exclude certain small claims from payment by the Claims Advisory Board and the state department or agency affected.

On the motion, the yeas were 30, nays 0; the motion prevailed, and SB 423 was committed to the Committee on Corrections, Correctional Institutions and Property.

The following local, uncontested bills of the Senate, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

www.libtool.com Thursday, January 15, 1998
 FOURTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 216 Walker, 22nd
 Cheeks, 23rd
 AUGUSTA-RICHMOND COUNTY

A bill to amend an Act creating the Augusta-Richmond County Coliseum Authority, so as to provide for appointment of members.(AMENDMENT)

HB 1031 Johnson, 1st
 Johnson, 2nd
 CITY OF SAVANNAH

A bill to amend the several Acts relating to and incorporating the Mayor and Aldermen of the City of Savannah, so as to change the provisions relating to the authority and jurisdiction of the City Manager of the City of Savannah.

HB 1032 Johnson, 1st
 Johnson, 2nd
 CHATHAM COUNTY

A bill to amend an Act providing for a chief judge of the Recorder's Court of Chatham County, so as to provide that the chief judge shall be responsible for the supervision of the director of the recorder's court and the director shall report to the chief judge or his or her designee.

HB 1148 Broun, 46th
 CLARKE COUNTY

A bill to amend an Act providing for the Board of Education of Clarke County, so as to change the provisions relating to elections of members of said board.

HB 1168 Roberts, 30th
 CARROLL COUNTY

A bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Carroll County; to provide for the method of distribution of proceeds of such tax between the Carroll County School District and the independent school districts located wholly or partially within Carroll County.

The amendment to the following bill was put upon its adoption:

*HB 216:

Senators Cheeks of the 23rd and Walker of the 22nd offered the following amendment:

Amend HB 216 by striking lines 5 and 6 on page 1 and inserting in lieu thereof the following: www.libtool.com.cn

“appointment of members; to provide an effective date;”

By striking lines 28 and 29 on page 1 and inserting in lieu thereof the following:

“designated district. No member”

On the adoption of the amendment, the yeas were 47, the nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th		Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins		Scott
Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D		Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	EX	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker(PRS)
Y Gochenour	Y	Perdue		

On the passage of the local bills, the yeas were 47, nays 0.

All the bills on the Local Consent Calendar, except HB 216, having received the requisite constitutional majority, were passed.

HB 216, having received the requisite constitutional majority, was passed as amended.

Senator Broun of the 46th moved that HB 1148 be immediately transmitted to the House.

On the motion, the yeas were 29, nays 0; the motion prevailed, and HB 1148 was immediately transmitted.

The President resumed the Chair.

Pursuant to HR 728, the President announced as a Committee of Escort the following Senators: Perdue of the 18th, Walker of the 22nd, Starr of the 44th, Hooks of the 14th, Turner of the 8th, Clay of the 37th and Ragan of the 11th.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted by the requisite constitutional majority the following resolution of the House:

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HR 810. By Representatives Murphy of the 18th, Walker of the 141st, Lee of the 94th, Connell of the 115th and Buck of the 135th:

A resolution relative to adjournment.

Senator Perdue of the 18th moved that upon dissolution of the Joint Session of the Senate and House, the Senate would stand adjourned until 10:00 A.M. tomorrow.

The President announced the motion prevailed at 10:50 A.M.

The hour for convening the Joint Session of the Senate and House having arrived, the President, accompanied by the Secretary and the Senators, proceeded to the Hall of the House of Representatives, and the Joint Session, called for the purpose of hearing the State of the State message by His Excellency, Governor Zell Miller, was called to order by the President of the Senate. HR 728, authorizing the Joint Session of the Senate and the House, was read by the Clerk of the House.

His Excellency, Governor Zell Miller, addressed the Joint Session of the Senate and the House of Representatives as follows:

Over the holidays, Shirley and I got a great present. A dear friend gave us two eight-week-old yellow lab puppies. One is named Thomas B., the other is named Pierre. And I have the papers to prove it. One of them is a little rambunctious and has a bit of a temper. The other is thoughtful and reflective, even polite. You can guess which one is which. I've already had to cuss 'em a time or two, and Shirley keeps telling me, "Why don't you just try being a little nicer to them."

These dogs will be with us for many years, and the friend who gave them to us thought it would be poetic justice for Shirley and me to get up every morning and go to bed every night, probably for the rest of our lives, taking care of Thomas B. and Pierre. I may have to let Shirley handle Thomas B.

Seriously and very sincerely, I want to begin my last State of the State Address by paying tribute to these two very good and very able men who have presided over the House and Senate during my time as Governor. Without any doubt, they are the best presiding officers in the country. Both love this state deeply and both hold passionately to their beliefs. I have much respect, admiration and, yes, great affection for both of these men.

Because of their work, Georgia is a better place and I have been a better Governor. It has been one of the great privileges of my life to have worked with Tom Murphy and Pierre Howard all these years. From the bottom of my heart, I thank you both. This past Christmas, for the 65th straight year, a family of Millers sat around an open fireplace in the old rock house in Young Harris. There were four generations of us. Shirley and I were the oldest. Our two sons, Murphy and Matt, and their two wives, Susan and Katie, were the next generation.

Eight-year-old twins, Andrew and Bryan, teenager Justin and my granddaughter Asia and her husband Shane Martin were still another generation. And then their two sons -- Jacob, almost four, and Joshua, ten months, were the fourth generation. Quite a tribe; we filled up the entire room. And amid the wrapping paper and ribbon, amid the oohs and aahs, the obligatory thanks and the genuine surprises, I remembered back to the Christmases past and I thought of the Christmases yet to come. I did not need Jacob Marley's ghost or Tiny Tim to tell me how richly blessed I truly am.

I was just a little older than my great-grandson Jacob when the President of the United States stood on the steps of the United States Capitol, looked south and said, "I see one-third of a nation ill-housed, ill-clad and ill-nourished." That was the South I grew up in. But it is not the South my grandchildren and great-grandchildren will grow up in. Today, that "one-third of a nation," by itself, has an economy that is the fifth largest in the world. By the year 2000, the South will surpass the Northeast in population.

And Georgia is leading the way. Our economy has outperformed the nation's every year since 1991, some years by more than 80 percent. We have created more than 2,000 new jobs every week since 1991, and last year we led the nation in high-tech job growth. Georgia is now truly an international location, home to more than 1,500 international businesses. The rest of the world has discovered what we already knew: There is no better place to live, work or raise a family than the State of Georgia. That's the Georgia those next generations will live in. And the state of that state -- today and I think for years to come -- is excellent.

As a student and teacher of history, I've always been comfortable with facts and details, words, dates and numbers. And I can think of many nights I've spent under this gold dome, working on budgets, crafting legislation, looking for the right word or phrase or idea that would forge a compromise or pass a bill.

You all know exactly what I mean. You are faced with it, too: large amounts of data you must wrestle with, long pages of words and numbers you must pore over, making sure that the bill does what you really intend. It is so easy to get bogged down in the minutia of state government, to just tune out while listening to long budget messages like the one on Tuesday, to lose sight of the forest, to lose sight even of the trees. But one thing is certain: what we do in this building is important. What we do here is vital to the daily lives of real children, real families and real communities. The words contained in any bill translate into real lives. The numbers in any budget represent real people.

Those numbers I spout so easily -- 299,000 HOPE Scholars, 60,000 four-year-olds in prekindergarten, 2,000 new jobs every week, two strikes and you're in for life, 57,000 families off the welfare rolls -- they are more than just statistics. Each number is a human being we have touched, and each touch is like a pebble tossed into the water, rippling through that person to touch their family, their community, their state. Behind each number is a face, a life, a promise, a future. So today, I want to show you something of what we have accomplished together, not just tell you. Today I want to bring you face-to-face with those to whom we've lent a hand. Just as I saw it with my own family on Christmas morning, I want you, today, to see Georgia's present and look into the eyes of Georgia's future.

As a father, grandfather and great-grandfather, I understand the deep desire that all parents have for their children to succeed, and the sacrifices that all parents make to help their children.

For years, parents all over Georgia had been urging their children to do well in school, and scrimping and saving and doing without in hopes of being able to send their child to college or to a technical school. And then HOPE was born. In 1993, the State of Georgia entered into a covenant with those parents and their children. We said to all the children of this state: You study and you work hard in school, and HOPE will be there to help you go to college. You give something, you get something -- one of life's most important lessons. And we helped Georgia families realize their hopes and dreams for the future.

Now, almost five years later, HOPE achieves an historic milestone. Today, the HOPE Scholarship Program reaches the 300,000 mark. 300,000 individual students from every corner of this state, from every kind of community, have earned free tuition at our state colleges or scholarships at our private colleges. And today we have the honor of having one of those scholars with us. I am very pleased to introduce to you the 300,000th HOPE Scholar, Miss Lauren Stripling of Newnan, Georgia. Lauren, will you please stand. Lauren has a younger brother and an older sister, and I'll bet with three children, the HOPE Scholarship has come in handy when it comes to the family budget.

Lauren graduated from Newnan High School with an outstanding 3.8 grade point average, while at the same time playing Varsity soccer, working on the school paper and holding down a part-time job. Now she attends the University of Georgia, and has earned a perfect 4.0 this past summer and fall quarters. She told me she is thinking of majoring in history education and becoming a history teacher. Lauren, from this old history teacher, I hope you do it. We need people like you in our classrooms. Thank you for coming today.

Let me add one footnote. We've touched this family before. Lauren's older sister was a 1994 HOPE Scholar and graduated in three years at UGA... all on HOPE. And I hear her younger brother is on track for a HOPE scholarship as well. Folks, these three children in the Stripling family are a living, breathing legacy that we should all be proud of. By your support of the HOPE scholarship, each one of you has made a difference to the Stripling family and to tens of thousands of other Georgia families.

The HOPE Scholarship Program is not the only innovation that has caught this nation's attention. In 1996, we embarked on another journey. We took Georgia where no state has ever gone before. At that time I compared it to Columbus sailing off into the unknown on the Nina, Pinta and Santa Maria. We became the first state in the history of this nation to offer prekindergarten, free of charge, to every four-year-old whose parents want it. We are still the only state to do that.

Study after study documents that the impact of pre-K lasts well into adulthood, with higher education levels, greater earning power, stronger commitment to marriage, and lower incidence of welfare and crime. In the long-run, pre-K students are more likely to stay in school, achieve higher test scores, and graduate better prepared for further education or the workforce. More than 185,000 Georgia children have already benefitted from pre-K. What an incredible investment in our children and in our future.

Now I want you to see with your own eyes where that investment is going. I want you to look into the eyes of Georgia's future. Would you please welcome the pre-K class of Debbie Cost and Norma Luster from The Children's Center at All Saints. Never doubt that providing pre-K for those children is one of the single most important investments we can make. Their head start will change the face of Georgia and the face of the South. Of that I have no doubt. The pre-K program reflects my philosophy of education: Not just some, but every Georgia child should enter school ready to learn. Not just some, but every Georgia child should have equal opportunity. Not just some, but every Georgia child deserves a head start. And the pre-K program achieves that.

Now I want to brag on my wife of 44 years as of yesterday, Shirley Miller. For many years Shirley and I realized that the problem of illiteracy was costing Georgia both economically and educationally. Educationally, we were faced with the fact that nearly 30 percent of our adult population had never completed high school. In some counties, it was more than 50 percent. Economically, we discovered that over half a million adults in our workforce were functionally illiterate, costing Georgia employers over \$2 billion a

year. But, even more important, behind those cold numbers are warm bodies. Good, caring, decent people trapped in the darkness of illiteracy.

Shirley Carver Miller was determined to do something about it. She wanted this as her project. When she began in 1991, less than 70,000 adults were enrolled annually in literacy programs. Today, more than 100,000 are enrolled. When she began in 1991, only 13,000 Georgians were earning GEDs each year. Today, 21,000 earn their GEDs and a \$500 HOPE scholarship voucher to continue their education. When she began in 1991, only a few of Georgia's 159 counties had full-time adult literacy teachers. Today, every county has them, and more than 1,100 computers have been placed in literacy labs statewide to assist those instructors. State funding for adult literacy has tripled to almost \$12 million annually.

Now I want to brag on two heroes: Willie Almond, Jr. from Franklin and Carrie Porter of Fort Valley. Will both of you please stand. Willie Almond has an amazing story to tell. He runs a lawn service and landscaping business in the city of Franklin. Fighting dyslexia since childhood, Mr. Almond quit school before he learned to read properly and had no plans to ever go back. With the help of adult literacy instructors and his wife, Sarah, he can now read whatever he wants. But he didn't stop there. He worked to bring a countywide literacy program to Heard County, so others could be helped, too. And he still didn't stop there. Ladies and gentlemen, as of January 2nd, let me introduce you to Franklin, Georgia's first African-American city council member of this century: Councilman Willie Almond, Jr. Carrie Porter's middle name is "Determination." This woman doesn't understand the concept of giving up. She had to quit school after she became pregnant. She worked as a cook at Warner Robins Day Care Center for 17 years while raising four children.

Then in 1993, Mrs. Porter entered an adult literacy center in Peach County and earned her GED. But she didn't stop there. In September of 1995, she enrolled at Georgia College in Milledgeville, and has now earned an associate degree in child development. Remember I told you she was a cook for the Warner Robins Day Care Center for 17 years? Please meet the new director of the Warner Robins Day Care Center, Mrs. Carrie Porter. Thank you both for being here today.

The State of Georgia has done a remarkable job of helping Lauren and Carrie and Willie, and thousands like them. But Georgia also has an obligation to protect our citizens as well. So, I'd like to tell you a more somber story. We all know that DUI has been a plague on our streets and highways... that it has caused unnecessary death and bloodshed. Too many lives have been lost. Too many families have been shattered. Too much pain has been felt.

DUI criminals -- and that's what they are, criminals -- can terrorize any one of us at a moment's notice. They victimize at random. Each and every one of us is at risk the moment we get into a car or even walk down the sidewalk along the street. It can strike anyone, anywhere, anytime. And it can be prevented. That is why drunk drivers have found no mercy during the Miller Administration. But I had a more personal motivation as well. Back in 1992, Mr. Charles McManis was living in Jonesboro, and the first week of the session, he came to my office. I'd never met him before, and today is the first time we've spoken since that meeting. He walked into my office and handed me a framed photograph -- this portrait of his daughter, Katherine Sue. She had just been killed by a drunk driver at the age of 21. Mr. McManis talked not as constituent to Governor, but as father to father. Heart to heart. He asked me to keep this photograph in my office as a reminder of the terrible cost and terrible consequences of DUI. With tears in his eyes, he asked me not to forget about his daughter, and to please stop it from happening

again. Mr. McManis has come all the way from Dandridge, Tennessee, to be with us today. Thank you for doing that, and would you please stand.

Mr. McManis, I want you to know that up until the moment I removed it to bring it here with me today, I have kept your daughter's portrait on display in my office every single day since our meeting six years ago. This photo affected me. No longer was DUI just another political fight to win. No longer were those terrible DUI statistics just numbers. I had this face in front of me. And every single day I walked into my office, she was there. Many people, visiting my office, have seen her picture and asked if she were my daughter or granddaughter. And each time I've told them this story. Today, I'm telling our whole state. I cannot begin to comprehend the loss of a child to drunk driving. I won't even pretend to. Here was a young woman, full of life and promise, gone forever because of a stupid, senseless crime.

So each and every year I asked you to take another major step forward toward making our highways safe from drunk and drugged drivers. And you responded. In 1997, we passed one of the toughest DUI laws in America: Mandatory jail time for drunk drivers. No keeping your license by pleading nolo. Confiscation of license plates. Zero tolerance for minors. That is the kind of DUI protection the law-abiding drivers of Georgia deserve. Because of our work for these tougher penalties, my hope and prayer is that there will be fewer drunken killers on the road.

Thank you, Mr. McManis for bringing your daughter's picture to my office and for being here with us today. Now let me tell you about some individuals who could not be here today. Thanks to your help, we passed "two-strikes and you're out." The toughest crime law in the nation. And thanks to that law, there are 1,710 violent criminals who could not be here today, or anywhere else, because they are locked away in Georgia prisons. Those 1,710 criminals were convicted under our "two-strikes" law, and they are going to serve every year, every month, every day, every second of their sentences without parole.

And let me tell you something else. Collectively, those 1,710 thugs were responsible for more than 9,800 crimes, including over 4,900 violent crimes. But thanks to the two-strikes law, they are no longer a threat to the law-abiding people of Georgia. And that's why you now see headlines like this one right here. This year, we're going to do more. We have not only made our human environment safer, we have also taken major steps to preserve our natural environment. One of our biggest success stories has been Preservation 2000, our program to protect more than 100,000 acres of natural land.

As I am speaking, television viewers are looking at some of the gorgeous natural features that Preservation 2000 has saved. Places like Little Tybee Island, Tallulah Gorge and Smithgall Woods. You in this chamber are looking at someone shaped by that rugged land, because your Governor is very much a product of the North Georgia mountains. I am so fortunate for that. I grew up surrounded by the spectacular beauty of the mountains. It is a part of me wherever I go. We created Preservation 2000 with very ambitious goals, some said too ambitious to protect 100,000 acres of wildlife habitat and natural areas, and save it for future generations. And we succeeded. We preserved land in some 50 counties from Dade and Walker in the northwest, to McIntosh in the southeast... From Rabun in the far northeast corner to Decatur in the far southwest corner. From the coast to the mountains, Preservation 2000 touches every part of the state. This land is our common gift, a wonderful gift that God gave to all of us, and now a gift we treasure and nurture and pass on to our children and to generations yet to come. And this year, we will do even more.

On January 14, 1991, after I had taken the oath of office as Governor of this state, I talked about the people to whom my administration would be dedicated: The small business owners, the bold entrepreneurs, the family farmers, the senior citizens, and, as I put it then, the "young families struggling to afford day care now and save for college later." I went on: "It is to every family that works and saves and sometimes comes up a little short at the end of the month, that this administration is dedicated." I summed it up by saying, and I quote, "The central purpose of the Miller administration will be to prepare Georgia for the 21st century. Education is the most important part of that purpose. Without it, nothing else can save us. With it, nothing else can stop us."

Today I am proud to say that with your good help, I have kept that faith. I have fought that fight, although I've still got some fight left in me, and I am preparing to finish the course. So now, as the pages turn on the final chapter of my career as a public servant, I remember how it was in that first chapter of my life, growing up in that remote valley, in that same house in which we just celebrated Christmas. On summer nights before the TVA dammed up the Hiwassee River and brought electricity to the valley, after the moon had come up over Double Knobs and the lightning bugs were blinking, while the frogs croaked down at the creek, and the katydids sang, and every once in a while a whippoorwill's lonesome cry could be heard, I remember after my mother had finally quit working and was getting us quiet and ready for bed... I remember we'd play a game. The game would start when the headlights of that rare car would penetrate the darkness, maybe once every half-hour, on the narrow strip of cracked asphalt across the ditch in front of our house. We'd stare as the headlights would disappear and then reappear as it made its way around the steep curves and finally across Brasstown Mountain. We'd count and we'd see how long it took from the time it went by the house until its taillights disappeared through the distant gap and it was no longer a part of that one and only world I knew. It was often at this time that my Mother would laugh and say, "You know what's so great about this place? You can get anywhere in the world from here."

That world has turned many times since I first traveled that narrow road through that gap and out of that valley. It has been a long road with many twists and turns, ups and downs, bumps and wrecks. A road that finally carried me to the highest office of the tenth largest state in the nation, to all the continents and famous cities of the world, into the Oval Office of the White House and onto Air Force One, to Madison Square Garden, where I spoke to 20 million people through a medium unknown and unimagined when I was a child watching those cars and playing that game. And so I close my last State of the State Address, knowing that once again my mother has been proved right. One could get anywhere in the world from that little mountain valley... and back again. And I've always wanted that to be true for every child in Georgia.

Everywhere I've ever been was on my way back home. I want to thank the people of this great state for entrusting to me for eight years your Office of Governor. I hope I have served you well. And I want to thank my very special staff who has served me so well.

Thanks to all of you -- my family, my friends, and my God -- it has been one heck of a ride. But we still have work to do. So let's get at it.

The President of the Senate announced the Joint Session dissolved.

Pursuant to the provisions of a previously adopted motion, the Senate stood adjourned until 10:00 A.M. tomorrow.

Senate Chamber, Atlanta, Georgia
Friday, January 16, 1998
Fifth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1181. By Representatives Epps of the 131st and Smith of the 102nd:

A bill to amend an Act reconstituting the Meriwether County Board of Education, so as to provide a per diem allowance for the members of such board.

The following bills were introduced, read the first time and referred to committees:

SB 448. By Senators Land of the 16th and Ralston of the 51st:

A bill to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedure for sentencing and imposition of punishment, so as to provide that any person sentenced to imprisonment other than a sentence of life imprisonment for the first conviction or any subsequent conviction of any serious felony committed on or after the effective date of this Act shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 449. By Senators Dean of the 31st, Marable of the 52nd, Guhl of the 45th and Streat of the 19th:

A bill to amend Article 1 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions applicable to pardons and paroles, so as to provide that the State Board of Pardons and Paroles is authorized to require as a condition of relief that offenders pay directly to providers a reasonable fee for approved services and programs; to provide an effective date.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 450. By Senators Balfour of the 9th, Johnson of the 1st, Tysinger of the 41st and others:

A bill to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," so as to enact the "Prohibition of Negative Check-off Act"; to provide that it shall be an unfair and deceptive trade practice to receive funds from an individual or withhold funds otherwise due to an individual where such funds are not given or withheld on a voluntary basis.

Referred to Committee on Consumer Affairs.

- SB 451. By Senators Brown of the 26th, Thomas of the 10th, Stokes of the 43rd and Blitch of the 7th:

A bill to amend Chapter 7 of Title 19 of the Official Code of Georgia Annotated, relating to the parent and child relationship generally, so as to provide for gestational surrogacy contracts; to provide definitions; to provide expedited affirmation of parental status for gestational surrogacy.

Referred to Committee on Judiciary.

- SB 452. By Senators Thomas of the 10th, Marable of the 52nd, Hill of the 4th and others:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so as to require individual and group health insurance policies, group health plans or policies, and all other forms of managed or capitated care plans or policies to provide insurance coverage for diabetes outpatient self-management training and diabetes equipment and supplies.

Referred to Committee on Health and Human Services.

- SB 453. By Senators Brush of the 24th, Johnson of the 1st, Clay of the 37th and Cagle of the 49th:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions relative to the General Assembly, so as to prohibit the passing of a bill or resolution naming or renaming any state property for any current or former elected public official while such official is living; to provide an effective date.

Referred to Committee on State and Local Governmental Operations (General).

- SB 454. By Senators Price of the 56th, Clay of the 37th, Johnson of the 1st and others:

A bill to amend Code Section 21-2-501 of the Official Code of Georgia Annotated, relating to the proportion of vote required for nomination in a primary and election in a special election or general election and run-off elections, so as to provide that the Governor, Lieutenant Governor, United States Senators, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor shall be elected by majority vote; to provide for procedures.

Referred to Committee on State and Local Governmental Operations (General).

- SB 455. By Senators Balfour of the 9th, Price of the 28th, Johnson of the 1st and others:

A bill to amend Article 1 of Chapter 2 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions regarding eligibility and qualifications for office, so as to provide for random drug testing for certain elected state officers; to provide for standards, procedures, and regulations.

Referred to Committee on State and Local Governmental Operations (General).

- SB 456. By Senators Balfour of the 9th, Glanton of the 34th, Ray of the 48th and Gochenour of the 27th:

A bill to amend Code Section 36-35-4 of the Official Code of Georgia Annotated, relating to compensation and benefits for employees and members of governing authorities of municipalities, so as to define the term "dependent" as it applies to benefits for employees and members of governing authorities; to provide an effective date.

Referred to Committee on State and Local Governmental Operations (General).

- SB 457. By Senators Balfour of the 9th, Glanton of the 34th, Ray of the 48th and Gochenour of the 27th:

A bill to amend Code Section 1-3-3 of the Official Code of Georgia Annotated, relating to definitions applicable to such Code, so as to define the term "dependent"; to provide an effective date.

Referred to Committee on State and Local Governmental Operations (General).

- SB 458. By Senators Clay of the 37th, Cagle of the 49th, Lamutt of the 21st and Tank-sley of the 32nd:

A bill to amend Code Section 35-3-33 of the Official Code of Georgia Annotated, relating to the powers and duties of the Georgia Crime Information Center, so as to provide that juveniles who commit offenses for which they are fingerprinted shall be reported to the center; to provide for related matters; to provide an effective date.

Referred to Committee on Corrections, Correctional Institutions & Property.

- SB 459. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Article 1 of Chapter 3 of Title 24 of the Official Code of Georgia Annotated, relating to general provisions regarding hearsay, so as to provide that hearsay statements made by a child under the age of 16 years regarding sexual contact or physical abuse are admissible under certain circumstances.

Referred to Committee on Judiciary.

- SB 460. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to provide for the offense of interfering with a 911 call; to provide for an effective date.

Referred to Committee on Judiciary.

- SB 461. By Senators Clay of the 37th, Lamutt of the 21st and Cagle of the 49th:

A bill to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment, so as to provide that a sentence of life without parole may be imposed for certain serious violent felonies; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Corrections, Correctional Institutions & Property.

- SB 462. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Code Section 50-27-3 of the Official Code of Georgia Annotated, relating to definitions governing the lottery for education, so as to pro-

vide for lottery funds to be available to be spent on technology education in Georgia's public high schools.

Referred to Committee on Appropriations.

SB 463. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Part 1 of Article 1 of Chapter 2 of Title 38 of the Official Code of Georgia Annotated, relating to military affairs and general provisions governing the state militia, so as to provide that members of the Georgia National Guard may be used as honor guards for veterans' funerals.

Referred to Committee on Defense and Veterans Affairs.

SB 464. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Article 2 of Chapter 16 of Title 45 of the Official Code of Georgia Annotated, relating to death investigations, so as to provide that a medical examiner's inquiry shall be conducted whenever a child dies in Georgia.

Referred to Committee on Special Judiciary.

SB 465. By Senators Clay of the 37th, Cagle of the 49th and Lamutt of the 21st:

A bill to amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board of and Department of Corrections, so as to provide for an independent outside audit once every four years of income and expenditures of the Department of Corrections with emphasis placed on procurement, construction, and staffing.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 466. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for the designation of state-wide poll watchers for elections and municipal elections; to provide for limitations.

Referred to Committee on State and Local Governmental Operations (General).

SB 467. By Senators Clay of the 37th, Cagle of the 49th and Lamutt of the 21st:

A bill to amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation system, and Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment, so as to eliminate the two-year limit on supervised probation for probationers who have committed crimes against children.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 468. By Senators Johnson of the 1st, Clay of the 37th, Cagle of the 49th and others:

A bill to amend Article 6 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children, so as to provide that tapes, cassettes, compact discs, or other audio recordings provided by the state to parents of newborn children for the purpose of child development shall have certain content; to provide an effective date.

Referred to Committee on Special Judiciary.

SB 469. By Senator Boshears of the 6th:

~~A bill to amend Chapter 14 of Title 50 of the Official Code of Georgia Annotated, relating to open and public meetings, so as to provide for the posting at the appropriate courthouse of a notice of a scheduled or called meeting; to provide for the mailing of notice of such meetings to members of the public if certain conditions are met.~~

Referred to Committee on State and Local Governmental Operations (General).

SB 470. By Senator Langford of the 29th:

A bill to provide that persons sentenced to imprisonment for certain criminal offenses against children shall not be eligible for parole, early release, or other sentence-reducing measures; to amend Code Section 16-6-3 of the Official Code of Georgia Annotated, relating to the crime of statutory rape, so as to provide for such restrictions with respect to statutory rape.

Referred to Committee on Corrections, Correctional Institutions & Property.

The following bill was read the first time and referred to committee:

HB 1181. By Representatives Epps of the 131st and Smith of the 102nd:

A bill to amend an Act reconstituting the Meriwether County Board of Education, so as to provide a per diem allowance for the members of such board.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 419. Do pass.

HB 1162. Do pass.

HB 95. Do pass.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Science, Technology and Industry has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 433. Do pass.

Respectfully submitted,

Senator Tysinger of the 41st District, Chairman

The following bills and resolutions were read the second time:

SB 403

SB 409

SR 463

SR 477

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Balfour

Boshears

Broun, 46th

Blitch

Bowen

Brown, 26th

Brush	Hill	Ragan
Burton	Hooks	Ray
Cagle	Huggins	Roberts
Cheeks	James	Scott
Clay	Johnson,D	Starr
Crotts	Johnson,E	Stokes
Dean	Kemp	Streat
Egan	Lamutt	Tanksley
Fort	Land	Taylor
Gillis	Langford	Thomas,D
Glanton	Madden	Thomas,N
Gochenour	Marable	Thompson
Griffin	Middleton	Turner
Guhl	Oliver	Tysinger
Harbison	Price,R	Walker
Henson	Price,T	

Those not answering were:

Abernathy	Perdue(PRS)	Ralston
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Senator Roberts of the 30th moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Ralston was excused.

Senator Balfour of the 9th led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Balfour of the 9th introduced the chaplain of the day, Reverend James Crutchfield, associate pastor of Annistown Baptist Church, Lithonia, Georgia, who offered scripture reading and prayer.

Senator James of the 35th introduced the Kingdom Kids Choir, who sang inspirational songs.

Senator Guhl of the 45th introduced the doctor of the day, Dr. Carol Murdock-Palmer of Social Circle, Georgia.

The following resolutions were read and adopted:

- SR 482. By Senators Bowen of the 13th, Guhl of the 45th, Fort of the 39th and others:
A resolution commending the firefighters of Georgia and observing the 26th annual Firefighters' Recognition Day.
- SR 483. By Senators Gillis of the 20th, Dean of the 31st, Broun of the 46th and others:
A resolution expressing regret at the passing of Kyle Wayne Dinkheller.
- SR 484. By Senators Clay of the 37th, Griffin of the 25th, Cagle of the 49th and Scott of the 36th:
A resolution honoring Curtis Mayfield.
- SR 485. By Senators Clay of the 37th and Cagle of the 49th:
A resolution designating June 27-28, 1998, as Amateur Radio Weekend in honor of Georgia's amateur radio operators.
- SR 486. By Senator Dean of the 31st:
A resolution commending Ralph Aford Lively.

Senator Lamutt of the 21st moved that Senator Price of the 28th be excused. On the motion, the yeas were 34, nays 0; the motion prevailed, and Senator Price was excused.

Senator Ray of the 48th moved that Senator Balfour of the 9th be excused. On the motion, the yeas were 30, nays 1; the motion prevailed, and Senator Balfour was excused.

The following resolution of the House was read and put upon its adoption:

HR 810. By Representatives Murphy of the 18th, Walker of the 141st, Lee of the 94th and others:

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the General Assembly shall adjourn at 5:00 P.M. on Friday, January 16, 1998, and shall reconvene on Monday, January 26, 1998.

BE IT FURTHER RESOLVED that for the duration of the remainder of the 1998 session of the General Assembly until its adjournment sine die, unless otherwise provided by resolution of the General Assembly, the General Assembly shall adjourn at 5:00 P.M. on each Friday on which the General Assembly is in session and shall reconvene on the Monday next following.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hour for convening the Senate on each such Monday may be as ordered by the Senate; and the hour for convening the House on each such Monday may be as ordered by the House.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	EX	Price,R
EX	Balfour	Y	Guhl	Y	Price,T
Y	Blitch		Harbison	Y	Ragan
Y	Boshears		Henson	EX	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks		Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis		Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue (PRS)		

On the adoption of the resolution, the yeas were 48, nays 0.

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

Senator Walker of the 22nd moved that upon dissolution of the Joint Session of the Senate and the House, the Senate stand in recess until 5 P.M., then pursuant to HR 810, adjourn until 10 A.M. Monday, January 26, 1998.

The hour for convening the Joint Session of the Senate and the House having arrived, the President, accompanied by the Secretary of the Senate and the Senators, proceeded to the Hall of the House of Representatives, and the Joint Session, called for the purpose of hearing a message from the Honorable Robert Benham, Chief Justice of the Supreme Court, was called to order by the President of the Senate. HR 730, authorizing the Joint Session of the Senate and House, was read by the Clerk of the House.

The Honorable Robert Benham, Chief Justice of the Supreme Court, addressed the Joint Session of the Senate and House of Representatives.

At 10:55 A.M., the President of the Senate announced the Joint Session dissolved.

Pursuant to the provisions of a previously adopted motion, the Senate stood in recess until 5 P.M., then adjourned until Monday, January 26, 1998 at 10 A.M.

Senate Chamber, Atlanta, Georgia
Monday, January 26, 1998
Sixth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of Friday, January 16, 1998 proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 442. By Representatives Cummings of the 27th, McBee of the 88th and Shanahan of the 10th:

A bill to amend Code Section 47-2-121 of the Official Code of Georgia Annotated, relating to retirement allowance options under the Employees' Retirement System of Georgia, so as to provide that a retired member who marries may elect a spouse's option.

HB 443. By Representatives Cummings of the 27th, Shanahan of the 10th and McBee of the 88th:

A bill to amend Code Section 47-2-120 of the Official Code of Georgia Annotated, relating to retirement allowances under the Employees' Retirement System of Georgia, so as to provide that members may retire with less than 30 years of service.

HB 381. By Representative Childers of the 13th:

A bill to amend Code Section 47-4-101 of the Official Code of Georgia Annotated, relating to retirement benefits under the Public School Employees Retirement System, so as to increase the retirement benefit.

HB 724. By Representative Golden of the 177th:

A bill to amend Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership by superior court judges, district attorneys, and other court personnel in the Employees' Retirement System of Georgia, so as to provide that employees of a district attorney who are paid by the office of the district attorney may become members of such retirement system subject to certain conditions.

HB 759. By Representatives Parrish of the 144th, Cummings of the 27th, Shanahan of the 10th and others:

A bill to amend Article 1 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions regarding the Peace Officers' Annuity and Benefit Fund, so as to change the provisions relating to definitions.

HB 780. By Representatives Jenkins of the 110th, Holland of the 157th, Barnes of the 33rd and others:

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A bill to amend Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to the Judges of the Probate Courts Retirement Fund of Georgia, so as to change the amount of salary which may be considered earnings for purposes of such retirement fund; to change the employee contribution in such retirement fund.

HB 885. By Representative Cummings of the 27th:

A bill to amend Part 10 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to employees of certain state authorities and commissions, so as to provide for credit for prior service as an employee of the Foundation for Public Broadcasting in Georgia, Inc..

HB 936. By Representative Cummings of the 27th:

A bill to amend Article 4 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia, so as to provide that any person who first becomes an employee at age 60 or later may elect not to become a member of such retirement system.

The following bills were introduced, read the first time and referred to committees:

SB 471. By Senators Brush of the 24th and Thompson of the 33rd:

A bill to amend Code Section 40-2-77 of the Official Code of Georgia Annotated, relating to special license plates for antique or hobby or special interest vehicles, so as to change the authorized dimensions of such special license plates.

Referred to Committee on Finance and Public Utilities.

SB 472. By Senators Langford of the 29th and Egan of the 40th:

A bill to amend Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their rights, so as to provide that neither the State of Georgia, its agents, nor any of its political subdivisions shall use race, color, creed, gender, or national origin as a criterion for hiring or granting purchase contracts; to provide for limitations on the foregoing; to provide for construction; to provide an effective date.

Senator Langford of the 29th gave notice that at the proper time he would move that SB 472 be engrossed.

SB 473. By Senators Land of the 16th, Ralston of the 51st and Oliver of the 42nd:

A bill to amend Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, so as to change the provisions relating to meetings and proceedings of child abuse protocol committees and subcommittees; to provide that meetings and proceedings of the State-wide Child Abuse Prevention Panel and child abuse protocol committees and subcommittees in the exercise of their duties shall be subject to Chapter 14 of Title 50, relating to open meetings.

Referred to Committee on Judiciary.

- SB 474. By Senators Hooks of the 14th, Perdue of the 18th, Starr of the 44th and Walker of the 22nd:

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A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change provisions relating to state government, so as to change provisions relating to state relations with nonprofit organizations providing services and facilities to the state; to define terms; to provide for required financial reporting and other reporting; to provide for audits; to provide for review by the state auditor; to provide for required corrective actions.

Referred to Committee on Appropriations.

- SB 475. By Senator Boshears of the 6th:

A bill to amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to game and fish, so as to provide procedures for ceasing to operate certain tracts of land as a wildlife management area.

Referred to Committee on Natural Resources.

- SB 476. By Senators Crotts of the 17th, Dean of the 31st, Glanton of the 34th and others:

A bill to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification as a defense to criminal prosecution, so as to provide for threats and use of force in defense of dwellings, places of business, and motor vehicles; to provide for criminal and civil immunity.

Referred to Committee on Judiciary.

- SB 477. By Senators Cheeks of the 23rd and Walker of the 22nd:

A bill to amend Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment proceedings, so as to provide that the filing of certain answers on behalf of corporate garnishees shall not constitute the practice of law and may be done by corporate officers or employees; to provide that delivery to the court of money or property admitted to be subject to garnishment may likewise be accomplished through a corporate officer or employee.

Referred to Committee on Judiciary.

- SB 478. By Senator Broun of the 46th:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for alternative forms and methods relating to living wills and durable powers of attorney for health care; to provide for adopting declarations and durable agencies; to provide for the effect, duration, and revocation of such documents; to provide for the Secretary of State to make forms available.

Referred to Committee on Judiciary.

- SB 479. By Senator Boshears of the 6th:

A bill to amend Code Section 44-13-100 of the Official Code of Georgia Annotated, relating to applicability of statutory homestead to intestate insolvent estates, so as to provide for a bankruptcy exemption for certain charitable contributions.

Referred to Committee on Special Judiciary.

SB 480. By Senators Boshears of the 6th and Ragan of the 11th:

A bill to amend Article 1 of Chapter 11 of Title 2 of the Official Code of Georgia Annotated, relating to general provisions relative to seeds and plants, so as to provide for the protection of gallberry bushes; to provide for a statement of legislative purpose; to provide for a definition; to prohibit certain applications of herbicides, defoliants, and other chemicals.

Referred to Committee on Agriculture.

SB 481. By Senator Henson of the 55th:

A bill to amend Code Section 31-41-3 of the Official Code of Georgia Annotated, relating to definitions applicable to the lead hazard reduction program, so as to change certain definitions; to amend Code Section 31-41-4 of the Official Code of Georgia Annotated, relating to the creation of the lead hazard reduction program, so as to change certain provisions relating to abatement on a person's property.

Referred to Committee on Natural Resources.

SB 482. By Senator Henson of the 55th:

A bill to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to provide for the protection of the title of industrial hygienist; to provide for related matters.

Referred to Committee on Consumer Affairs.

SR 487. By Senator Langford of the 29th:

A resolution proposing an amendment to the Constitution so as to provide that the General Assembly may by general law restrict the authority of the State Board of Pardons and Paroles to grant paroles to persons who have been convicted of criminal offenses upon children; to provide for the submission of this amendment for ratification or rejection.

Referred to Committee on Corrections, Correctional Institutions & Property.

SR 488. By Senator Streat of the 19th:

A resolution authorizing the conveyance of certain state owned real property located in Coffee County, Georgia.

Referred to Committee on Finance and Public Utilities.

SR 489. By Senator Middleton of the 50th:

A resolution authorizing the conveyance of certain state owned real property located in White County, Georgia, to Sidney W. Shortt and Sherry E. Shortt and the acceptance of certain real property owned by Sidney W. Shortt and Sherry E. Shortt in consideration therefor; to provide an effective date.

Referred to Committee on Finance and Public Utilities.

SR 490. By Senators Land of the 16th and Hooks of the 14th:

A resolution honoring Dr. Deryl Hart and designating a portion of Georgia Highway 137 as the "Dr. Deryl Hart Road"

Referred to Committee on Transportation.

SR 491. By Senators James of the 35th and Fort of the 39th:

A resolution recognizing African American entrepreneurs and proclaiming February 12, 1998, as "African American Business Enterprise Day"

Referred to Committee on Rules.

SR 492. By Senator Ragan of the 11th:

A resolution urging the Secretary of Agriculture and the Congress of the United States to take appropriate action to have the State of Georgia declared an agricultural disaster area.

Referred to Committee on Agriculture.

SR 493. By Senator Griffin of the 25th:

A resolution authorizing the conveyance of certain state owned real property located in Baldwin County, Georgia.

Referred to Committee on Finance and Public Utilities.

SR 494. By Senator Griffin of the 25th:

A resolution authorizing the conveyance of certain state owned real property located in Baldwin County, Georgia.

Referred to Committee on Finance and Public Utilities.

SR 495. By Senator Griffin of the 25th:

A resolution authorizing the conveyance of certain state owned real properties located in Baldwin County, Georgia.

Referred to Committee on Finance and Public Utilities.

SR 496. By Senator Griffin of the 25th:

A resolution authorizing the conveyance of certain state owned real properties located in Baldwin County, Georgia.

Referred to Committee on Finance and Public Utilities.

SR 498. By Senators Griffin of the 25th, Tysinger of the 41st, Lamutt of the 21st and others:

A resolution proposing an amendment to the Constitution so as to provide for special veto consideration sessions of the General Assembly; to provide that such sessions shall be held when any veto from a regular or special session is not considered at that regular or special session; to provide for the time and manner of convening such special veto consideration sessions; to provide for submission of this amendment for ratification or rejection.

Referred to Committee on Judiciary.

The following bills were read the first time and referred to committees:

HB 381. By Representative Childers of the 13th:

A bill to amend Code Section 47-4-101 of the Official Code of Georgia Annotated, relating to retirement benefits under the Public School Employees Retirement System, so as to increase the retirement benefit.

Referred to Committee on Retirement.

HB 442. By Representatives Cummings of the 27th, McBee of the 88th and Shanahan of the 10th:

A bill to amend Code Section 47-2-121 of the Official Code of Georgia Annotated, relating to retirement allowance options under the Employees' Retirement System of Georgia, so as to provide that a retired member who marries may elect a spouse's option.

Referred to Committee on Retirement.

HB 443. By Representatives Cummings of the 27th, Shanahan of the 10th and McBee of the 88th:

A bill to amend Code Section 47-2-120 of the Official Code of Georgia Annotated, relating to retirement allowances under the Employees' Retirement System of Georgia, so as to provide that members may retire with less than 30 years of service.

Referred to Committee on Retirement.

HB 724. By Representative Golden of the 177th:

A bill to amend Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership by superior court judges, district attorneys, and other court personnel in the Employees' Retirement System of Georgia, so as to provide that employees of a district attorney who are paid by the office of the district attorney may become members of such retirement system subject to certain conditions.

Referred to Committee on Retirement.

HB 759. By Representatives Parrish of the 144th, Cummings of the 27th, Shanahan of the 10th and McBee of the 88th:

A bill to amend Article 1 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions regarding the Peace Officers' Annuity and Benefit Fund, so as to change the provisions relating to definitions.

Referred to Committee on Retirement.

HB 780. By Representatives Jenkins of the 110th, Holland of the 157th, Barnes of the 33rd and Channell of the 111th:

A bill to amend Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to the Judges of the Probate Courts Retirement Fund of Georgia, so as to change the amount of salary which may be considered earnings for purposes of such retirement fund; to change the employee contribution in such retirement fund.

Referred to Committee on Retirement.

HB 885. By Representative Cummings of the 27th:

A bill to amend Part 10 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to employees of certain state authorities and commissions, so as to provide for credit for prior service as an employee of the Foundation for Public Broadcasting in Georgia, Inc..

Referred to Committee on Retirement.

- SR 501. By Senator Boshears of the 6th:
A resolution recognizing and commending Natalie Stewart.
- SR 502. By Senator Bowen of the 13th:
A resolution commending Geary Bush.
- SR 503. By Senator Broun of the 46th:
A resolution commending Chase McKissick.
- SR 504. By Senator Crotts of the 17th:
A resolution commending Will Fletcher.
- SR 505. By Senator Hill of the 4th:
A resolution recognizing and commending Kibbie Richardson.
- SR 506. By Senator Perdue of the 18th:
A resolution commending Trayvis Manual.
- SR 507. By Senator Streat of the 19th:
A resolution recognizing and commending Derek Shumans.
- SR 508. By Senators Broun of the 46th and Guhl of the 45th:
A resolution recognizing and commending Justin Barnette.
- SR 509. By Senator Ralston of the 51st:
A resolution recognizing and commending Justin Brooks.
- SR 510. By Senator Price of the 28th:
A resolution recognizing and commending Wanda Guy.
- SR 511. By Senators Huggins of the 53rd and Thomas of the 54th:
A resolution recognizing and commending Wes Taylor.
- SR 512. By Senators Burton of the 5th, Balfour of the 9th, Tysinger of the 41st and others:
A resolution commending Dan Eberhart.
- SR 513. By Senator Brown of the 26th:
A resolution commending Brandelyn Scott.
- SR 514. By Senators Taylor of the 12th and Hooks of the 14th:
A resolution commending Danielle Blankenship.
- SR 515. By Senators Huggins of the 53rd and Thomas of the 54th:
A resolution commending exceptional members of 4-H and recognizing the observance of 4-H Day at the state capitol.
- SR 516. By Senator Middleton of the 50th:
A resolution recognizing and commending J. B. Jones.
- SR 517. By Senator Ragan of the 11th:

A resolution commending Bill Yearta.

SR 519. By Senator Starr of the 44th:

A resolution acknowledging the contributions of Senior Georgians; recognizing Senior Week at the Capitol during the week of January 26-30, 1998.

SR 521. By Senator Price of the 56th:

A resolution honoring Honorable W. L. "Pug" Mabry.

The proper time having arrived to entertain the motion, Senator Langford of the 29th moved that the following bill be engrossed:

SB 472. By Senators Langford of the 29th and Egan of the 40th:

A bill to amend Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their rights, so as to provide that neither the State of Georgia, its agents, nor any of its political subdivisions shall use race, color, creed, gender, or national origin as a criterion for hiring or granting purchase contracts; to provide for limitations on the foregoing; to provide for construction; to provide an effective date.

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

N Abernathy	N Griffin	N Price,R
N Balfour	N Guhl	N Price,T
N Blicht	N Harbison	N Ragan
N Boshears	N Henson	N Ralston
N Bowen	Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
Brown, 26th	N Huggins	N Scott
N Brush	James	N Starr
N Burton	Johnson,D	N Stokes
N Cagle	Johnson,E	Streat
N Cheeks	N Kemp	N Tanksley
N Clay	N Lamutt	Taylor
N Crotts	N Land	N Thomas,D
N Dean	Y Langford	N Thomas,N
N Egan	N Madden	N Thompson
N Fort	N Marable	N Turner
N Gillis	N Middleton	N Tysinger
N Glanton	N Oliver	N Walker
N Gochenour	N Perdue	

On the motion to engross, the yeas were 1, nays 48, and the motion to engross was lost.

The President referred SB 472 to the Committee on Judiciary.

SENATE CALENDAR

Monday, January 26, 1998

SIXTH LEGISLATIVE DAY

SR 86 CA: Environmental Trust Fund-for protection, improvement (Nat R-29th)

- SB 142 Sheriffs-qualifications, drug tests (Substitute)(Pub Saf-46th)
- SB 403 www.libtool.com.cn Driver's License-learner's permit driving record (Amendment) (Pub Saf-16th)
- SB 409 Probation-portion of supervision fees to Crime Victims Emergency Fund (Substitute)(Corr-22nd)
- SR 463 CA: Parole-abolish Pardons and Paroles Board authority to grant (Corr-18th)
- SR 477 Bipartisan Joint Commission on Parole Abolition and Sentencing Reform-create (Corr-22nd)
- HB 95 Public Service Commission; election; amend provisions (F&PU-14th) Coleman-142nd

The following general bills were read the third time and put upon their passage:

SR 86. By Senators Langford of the 29th, Dean of the 31st and Land of the 16th:

A RESOLUTION

Proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for an environmental trust fund to receive, hold, and expend funds to protect and improve the environment; to provide that the General Assembly shall provide that certain fines and penalties shall be paid into such fund; to provide for submission or this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article III, Section IX, Paragraph VI of the Constitution is amended by inserting at the end thereof a new subparagraph to read as follows:

“(k) The General Assembly is authorized to provide by general law for an environmental trust fund for the purpose of receiving, holding, and expending funds to assure the correction, remediation, and reparation of any damages caused by violations of environmental statutes, regulations, standards, or rules. The General Assembly shall provide that the proceeds from fines and penalties assessed for such environmental violations be paid to such fund, and such fund shall not be subject to the provisions of Article III, Section IX, Paragraph IV(c), relative to the lapsing of funds. The moneys paid into the trust fund shall be expended on a pro rata basis to address damages related to the subject of the chapter of the Official Code of Georgia Annotated in which the statute violated appears.”

SECTION 2.

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:

- www.libtcol.com.cn
- () YES Shall the Constitution be amended so as to authorize the General Assembly to establish an environmental trust fund and to direct that certain fines and penalties be paid into such fund?"
- () NO

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, was agreed to.

On the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

N Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	N Scott
Y Brush	N James	Y Starr
Y Burton	N Johnson,D	N Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	N Thomas,N
Y Egan	Y Madden	Y Thompson
N Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Ol'ver	N Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 47, nays 9.

The resolution, having received the requisite two-thirds constitutional majority, was adopted.

The following resolutions were read and adopted:

SR 520. By Senators Johnson of the 1st, Ray of the 48th and Perdue of the 18th:

A resolution commending Mrs. Deen Day Smith.

Senator Johnson of the 1st introduced Mrs. Deen Day Smith, commended by SR 520, for being voted National Mother of the Year, who addressed the Senate briefly.

SR 518. By Senators Dean of the 31st, Perdue of the 18th, Tysinger of the 41st and others:

A resolution commending Matt Kuchar.

Senator Perdue of the 18th introduced Matt Kuchar, commended by SR 518, who addressed the Senate briefly.

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Senator Price of the 56th introduced the doctor of the day, his wife, Dr. Elizabeth Clark, of Roswell, Georgia.

The Calendar was resumed.

SB 142. By Senators Broun of the 46th and Bowen of the 13th:

A bill to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to sheriffs, so as to change certain provisions relating to qualifications of sheriffs; to require candidates for the office of sheriff to submit to drug tests; to repeal certain provisions relating to training requirements; to provide certain exemptions; to change provisions relating to how vacancies in the office of sheriff are filled.

The Senate Committee on Public Safety offered the following substitute to SB 142:

A BILL

To be entitled an Act to amend Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to sheriffs, so as to change certain provisions relating to qualifications of sheriffs; to repeal certain provisions relating to training requirements; to provide certain exemptions; to amend Code Section 35-8-2 of the Official Code of Georgia Annotated, relating to definitions under the "Georgia Peace Officer Standards and Training Act," so as to change the definition of the term "peace officer"; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 16 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to sheriffs, is amended by striking Code Section 15-16-1, relating to qualifications of sheriff and training requirements, and inserting in lieu thereof a new Code Section 15-16-1 to read as follows:

"15-16-1.

(a)Intent. The General Assembly declares it to be in the best interests of the citizens of this state that qualifications and standards for the office of sheriff be determined and set so as to improve both the capabilities and training of those persons who hold the office of sheriff. With the increase of crime continuing as a major social problem in this state and with the understanding that the sheriff is the basic law enforcement officer of the several counties of this state, it is declared to be the intent of the General Assembly that proper qualifications and standards be required of the person holding the office of sheriff so as to increase the effectiveness and capabilities of the several sheriffs of this state as law enforcement officers to combat crime.

(b)General requirements. Except as otherwise provided in this Code section, sheriffs are elected, qualified, commissioned, hold their offices for the same term, and are subject to the same disabilities as the clerks of the superior courts.

(c)Qualifications.

(1) No person shall be eligible to hold the office of sheriff unless such person at the time of qualification for said office:

(A) Is a citizen of the United States;

(B) Has been a resident of the county in which he or she seeks the office of sheriff for at least two years immediately preceding the date of the election for sheriff qualifying for election to the office;

(C) Is a registered voter;

(D) Has attained the age of at least 25 years prior to the date of his or her qualifying for election to the office;

(E) Has obtained a high school diploma or its recognized equivalent in educational training as established by the Georgia Peace Officer Standards and Training Council;

(F) Has not been convicted of a felony offense or any offense involving moral turpitude contrary to the laws of this state, any other state, or the United States; provided, however, that a conviction of homicide by vehicle which occurred prior to January 1, 1965, and which did not involve the offense of driving a motor vehicle under the influence of alcohol or drugs shall not be considered a conviction under this subparagraph if such convicted person has received a pardon for such offense plea of nolo contendere to a felony offense or any offense involving moral turpitude contrary to the laws of this state shall have the same effect as a plea of guilty, thereby disqualifying such a person from holding the office of sheriff;

(G) Is fingerprinted and a search made of local, state, and national fingerprint files to disclose any criminal record, which fingerprints are to be taken under the direction of the judge of the probate court and must be taken on or before, but no later than, the close of qualification for election to the office of sheriff;

(H) Gives a complete history of his or her places of residence for a period of six years immediately preceding his or her qualification date, giving the house number or RFD number, street, city, county, and state;

(I) Gives a complete history of his or her places of employment for a period of six years immediately preceding his or her qualification date, giving the period of time employed and the name and address of his or her employer; and

(J) Is a registered peace officer as provided in Code Section 35-8-10 or is a certified peace officer as defined in Chapter 8 of Title 35 at the time of qualifying for election to the office; provided, however, that any candidate for the office of sheriff who is not a certified or registered peace officer as provided in Chapter 8 of Title 35 prior to qualifying for election to the office of sheriff and who has obtained 90 quarter hours or the semester equivalent at an accredited college, university, vocational, or technical school and who meets all other qualifications for the office of sheriff may attend a course of basic training either prior to qualifying as a candidate for the office of sheriff or following such qualifying as a candidate for the office of sheriff if such course is completed within six months of being elected to the office of sheriff. Any person who is not a registered or certified peace officer at the time such person assumes the office of sheriff shall be required to complete satisfactorily the requirements for certification as a peace officer as provided in Chapter 8 of Title 35 at the first training course available after such person takes office; provided, however, that an extension of the time to complete such requirements may be granted by the Georgia Peace Officer Standards and Training Council upon the presentation of evidence by a sheriff that he or she was unable to complete the basic training course and certification requirements due to illness, injury, military service, or other reasons deemed sufficient by such council. The Georgia Peace Officer Standards and Training Council shall make every effort

~~to ensure that space is available for newly elected sheriffs who are not certified or registered peace officers to attend the course as soon as possible after such persons take office. Such council shall notify the appropriate judge of the probate court whenever a newly elected sheriff who is not certified fails to become certified as a peace officer pursuant to the requirements of this subparagraph.~~

(2) Each person offering his or her candidacy for the office of sheriff shall, within 60 days prior to or at the time such person qualifies:

(A) File with the officer before whom such person has qualified to seek the office of sheriff a certified copy of his or her birth certificate and a certified copy of his or her high school diploma or certified proof of its recognized equivalent in education training as established by the Georgia Peace Officer Standards and Training Council; and

(B) Swear or affirm before the officer before whom such person has qualified to seek the office of sheriff that he or she ~~has, meets, or will meet by the date of the election~~ all of the qualifications required by this subsection and that he or she has complied with the requirements of subparagraph (G) of paragraph (1) of this subsection no later than the close of qualification for election to the office of sheriff.

(3) Each person offering to run for the office of sheriff and who is otherwise qualified shall be allowed, six months prior to qualifying and at his or her own expense, to attend the basic mandate course for peace officers. The Georgia Peace Officer Standards and Training Council shall work to ensure that space is available for such individuals to attend the course.

~~(d) Training session. From and after January 1, 1980, every newly elected sheriff in his or her first term shall be required to complete a training session of no less than four weeks, to be conducted by any academy certified by the Georgia Peace Officer Standards and Training Council and as may be selected by the Georgia Sheriffs' Association. This training shall be completed during the first calendar year of the first term of the newly elected sheriff's term of office. Any newly elected sheriff who is unable to attend this training course when offered because of medical disability or providential cause shall, within one year from the date such disability or cause terminates, complete a course of instruction as determined by the Georgia Sheriffs' Association and approved by the Georgia Peace Officer Standards and Training Council. Any newly elected sheriff who does not fulfill the obligations of this subsection shall lose his or her power of arrest.~~

~~(e) Annual training:~~

~~(1) From and after July 1, 1992, no person shall be eligible to hold the office of sheriff unless he or she attends a minimum of 20 hours' training annually as may be selected by the Georgia Sheriffs' Association.~~

~~(2) The basis for the minimum annual requirement of in-service training shall be the calendar year. Sheriffs who satisfactorily complete the basic course of training in accordance with the provisions of this chapter after April 1 in any calendar year shall be excused from the minimum annual training requirement for the calendar year during which the basic course is completed.~~

~~(3) A waiver of the requirement of minimum annual in-service training may be granted by the Georgia Peace Officer Standards and Training Council, in its discretion, upon the presentation of evidence by a sheriff that he or she was unable to~~

~~complete such training due to medical disability, providential cause, or other reason deemed sufficient by the council.~~

~~(4) Any person who fails to complete the minimum annual in-service training required under this Code section and who has not received a waiver of such requirement pursuant to paragraph (3) of this subsection shall not perform any of the duties of sheriff involving the power of arrest until such training shall have been successfully completed. In addition, the Governor may suspend from office without pay for a period of 90 days any sheriff who fails to complete the minimum annual in-service training required under this Code section. The probate judge of the county of the sheriff's residence shall appoint a person who meets the qualifications for sheriff pursuant to this Code section to assume the duties and responsibilities of the office of sheriff during any such period of suspension.~~

~~(f)(d)Exemption. The requirements of subparagraphs (c)(1)(D), (c)(1)(E), (c)(1)(H), and (c)(1)(J) of this Code section and the requirements of subsection (d) of this Code section shall be deemed to have been met by any person who shall have served as a duly qualified and elected sheriff of one of the several counties of this state for a period of two years."~~

SECTION 2.

Code Section 35-8-2 of the Official Code of Georgia Annotated, relating to definitions under the "Georgia Peace Officer Standards and Training Act," is amended by striking paragraph (8) and inserting in lieu thereof a new paragraph (8) to read as follows:

"(8) 'Peace officer' means, for purposes of this chapter only:

(A) An agent, operative, or officer of this state, a subdivision or municipality thereof, or a railroad who, as an employee for hire or as a volunteer, is vested either expressly by law or by virtue of public employment or service with authority to enforce the criminal or traffic laws through the power of arrest and whose duties include the preservation of public order, the protection of life and property, and the prevention, detection, or investigation of crime;

(B) An enforcement officer who is employed by the Department of Transportation in its Office of Permits and Enforcement and any person employed by the Department of Children and Youth Services who is designated by the commissioner to investigate and apprehend unruly and delinquent children; and

(C) Personnel who are authorized to exercise the power of arrest and who are employed or appointed by the Department of Corrections, the State Board of Pardons and Paroles, county correctional institutions, and county probation systems:

Sheriffs who hold elective office and law enforcement support personnel are not peace officers within the meaning of this chapter, but they may be certified upon voluntarily complying with the certification provisions of this chapter."

SECTION 3.

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

Senator Guhl of the 45th offered the following amendment:

Amend the committee substitute to SB 142 by deleting on pg 3 beginning on line 20 following the word "sheriff" thru the word school on line 23 which then will read "election to the office of sheriff and who meets all other

By deleting on pg 4 beginning on line 31 following the word "months" thru the word "expense" on line 32 which then will read "six months following his/her election to attend www.tbtool.com.ch

Senator Guhl of the 45th asked unanimous consent that his amendment be withdrawn.

The consent was granted and the amendment was withdrawn.

Senator Cheeks of the 23rd offered the following amendment:

Amend the committee substitute to SB 142 by striking from lines 8 and 9 of page 2 the following:

"at the time of qualification for said office"

By striking all of subparagraph (J), beginning on line 13 of page 3 and ending on line 9 of page 4, and inserting in lieu thereof the following:

"(J) Is a registered peace officer as provided in Code Section 35-8-10 or is a certified peace officer as defined in Chapter 8 of Title 35. Any person who is not a registered or certified peace officer at the time such person assumes the office of sheriff shall be required to complete satisfactorily the requirements for certification as a peace officer as provided in Chapter 8 of Title 35 at the first training course available after such person takes office; provided, however, that an extension of the time to complete such requirements may be granted by the Georgia Peace Officer Standards and Training Council upon the presentation of evidence by a sheriff that he or she was unable to complete the basic training course and certification requirements due to illness, injury, military service, or other reasons deemed sufficient by such council. The Georgia Peace Officer Standards and Training Council shall make every effort to ensure that space is available for newly elected sheriffs who are not certified or registered peace officers to attend the course as soon as possible after such persons take office. Such council shall notify the appropriate judge of the probate court whenever a newly elected sheriff who is not certified fails to become certified as a peace officer pursuant to the requirements of this subparagraph."

On the adoption of the amendment, Senator Perdue of the 18th called for the yeas and nays. The call was sustained, and the vote was as follows:

Y Abernathy	Y Fort	Y Lamutt
Y Balfour	N Gillis	Y Land
Y Blitch	Y Glanton	Y Langford
Y Boshears	Y Gochenour	Y Madden
N Bowen	Y Griffin	N Marable
N Broun, 46th	Y Guhl	N Middleton
N Brown, 26th	Y Harbison	N Oliver
Y Brush	N Henson	N Perdue
Y Burton	N Hill	Y Price,R
Y Cagle	Y Hooks	Y Price,T
Y Cheeks	Y Huggins	N Ragan
N Clay	Y James	N Ralston
Y Crotts	Y Johnson,D	Y Ray
N Dean	Y Johnson,E	Y Roberts
Y Egan	Y Kemp	N Scott

N	Starr	Y	Taylor	Y	Turner
Y	Stokes	Y	Thomas,D	Y	Tysinger
N	Streat	Y	Thomas,N	Y	Walker
Y	Tanksley	Y	Thompson		

On the adoption of the amendment, the yeas were 39, nays 17, and the Cheeks amendment was adopted.

On the adoption of the substitute, the yeas were 43, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 54, nays 0.

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

SB 403. By Senator Land of the 16th:

A bill to amend Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to motor vehicle instruction permits, graduated licensing, and related restrictions, so as to apply a driving record under a learner's permit previously issued by another state toward meeting eligibility requirements for a Class D driver's license.

The Senate Committee on Public Safety offered the following amendment:

Amend SB 403 by adding at the end of line 6 on page 1 the following:

“provide an effective date; to”

By striking line 27 on page 1 and inserting in lieu thereof the following:

“Columbia or who has submitted to the department proof, to the satisfaction of the department, of a valid instruction permit issued by another state or the District of Columbia may apply his or her driving record under such”

By redesignating Section 2 as Section 3.

By inserting between lines 29 and 30 on page 2 the following:

“SECTION 2.

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

Senator Land of the 16th offered the following amendment:

Amend the AM 25 0184 amendment to SB 403 by inserting after “SB 403” on line 3 of page 1 “by inserting ‘or driver’s license’ after ‘permit’ on line 4 of page 1; by inserting ‘or driver’s license’ after ‘permit’ on lines 26, 28, and 30 of page 1; and”

By inserting “or driver’s license” after “permit” on line 10 of page 1.

On the adoption of the Land amendment, the yeas were 41, nays 0, and the amendment was adopted.

On the adoption of the committee amendment, the yeas were 45, nays 0, and the amendment was adopted as amended.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Griffin	Y
Y Balfour	Y Guhl	Price,R
Y Blitch	Y Harbison	Y Price,T
Y Boshears	Y Henson	Y Ragan
Y Bowen	Y Hill	Y Ralston
Y Broun, 46th	Y Hooks	Y Ray
Y Brown, 26th	Y Huggins	Y Roberts
Y Brush	Y James	Y Scott
Y Burton	Y Johnson,D	Y Starr
Y Cagle	Y Johnson,E	Y Stokes
Y Cheeks	Y Kemp	Y Streat
Y Clay	Y Lamutt	Y Tanksley
Y Crotts	Y Land	Y Taylor
Y Dean	Y Langford	Y Thomas,D
Y Egan	Y Madden	Y Thomas,N
Y Fort	Y Marable	Y Thompson
Y Gillis	Y Middleton	Y Turner
Y Glanton	Y Oliver	Y Tysinger
Y Gochenour	Y Perdue	Y Walker
Y		

On the passage of the bill, the yeas were 55, nays 0.

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

SB 409. By Senators Walker of the 22nd, Dean of the 31st, Scott of the 36th and others:

A bill to amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to compensation of crime victims, and Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the statewide probation system, so as to require a portion of probation supervision fees to be forwarded to the Georgia Crime Victims Emergency Fund; to provide an effective date.

The Senate Committee on Corrections, Correctional Institutions & Property offered the following substitute to SB 409:

A BILL

To be entitled an Act to amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to compensation of crime victims, and Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation system, so as to require a portion of probation supervision fees to be forwarded to the Georgia Crime Victims Emergency Fund; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to compensation of crime victims, is amended by adding at the end of Code Section 17-15-13, relating to payments into Georgia Crime Victims Emergency Fund as a condition of probation, a new subsection (f) to read as follows:

“(f) In every case where an individual is serving under active probation supervision and paying a supervision fee, \$3.00 per month of any supervision fee collected by any entity authorized to collect such fees shall be paid into the Georgia Crime Victims Emergency Fund. This subsection shall apply to probationers supervised under either Code Section 42-8-20 or 42-8-100. The probation supervising entity shall collect and forward the \$3.00 fee to the Georgia Crime Victims Compensation Board by the end of each month.”

SECTION 2.

Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation system, is amended by striking in its entirety subsection (d) of Code Section 42-8-34, relating to hearings and determinations, and inserting in lieu thereof a new subsection (d) to read as follows:

“(d) In every case that a court of this state or any other state sentences a defendant to probation or any pretrial release or diversion program under the supervision of the department, in addition to any fine or order of restitution imposed by the court, there shall be imposed a probation fee as a condition of probation, release, or diversion in the amount equivalent to ~~\$20.00~~ \$23.00 per each month under supervision. The probation fee may be waived or amended after administrative process by the department and approval of the court, or upon determination by the court, as to the undue hardship, inability to pay, or any other extenuating factors which prohibit collection of the fee; provided, however, that the imposition of sanctions for failure to pay fees shall be within the discretion of the court through judicial process or hearings. Probation fees shall be waived on probationers incarcerated or detained in a departmental or other confinement facility which prohibits employment for wages. All probation fees collected by the department shall be paid into the general fund of the state treasury, ex-

cept as provided in subsection (f) of Code Section 17-15-13, relating to sums to be paid into the Georgia Crime Victims Emergency Fund."

SECTION 3.

This Act shall become effective on July 1, 1998.

SECTION 4.

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

On the adoption of the substitute, the yeas were 39, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Hooks	Y Roberts
Y Brown, 26th	Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 55, nays 0.

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

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A RESOLUTION

Proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IV, Section II, Paragraph II of the Constitution is amended by inserting at the end thereof a new subparagraph (f) to read as follows:

“(f) Except as provided in subparagraph (e), the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles, to commute penalties, to remove disabilities by law, and to remit any part of a sentence for any offense against the state after conviction shall be abolished for all persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly.”

SECTION 2.

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 be amended so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly?”
- () NO

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 and shall take effect as provided in Article X, Section I, Paragraph VI of the Constitution.

Senators Clay of the 37th, Ralston of the 51st and Crofts of the 17th offered the following amendment:

Amend SR 463 by striking lines 4 and 5 on page 1 and inserting in lieu thereof the following:

“of certain specified crimes; to provide for submission of this”

By striking lines 19 and 20 on page 1 and inserting in lieu thereof the following:

“or after July 1, 1999, of any of the following crimes:

- (1) Murder or felony murder, as defined in Code Section 16-5-1;
- (2) Armed robbery, as defined in Code Section 16-8-41;
- (3) Kidnapping, as defined in Code Section 16-5-40;
- (4) Rape, as defined in Code Section 16-6-1;
- (5) Aggravated child molestation, as defined in Code Section 16-6-4;
- (6) Aggravated sodomy, as defined in Code Section 16-6-2;
- (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2;
- (8) Voluntary manslaughter, as defined in Code Section 16-5-2;
- (9) Aggravated assault, as defined in Code Section 16-5-21;
- (10) Aggravated battery, as defined in Code Section 16-5-24;
- (11) Robbery, as defined in Code Section 16-8-40;
- (12) Burglary, as defined in Code Section 16-7-1;
- (13) Possession with intent to distribute, manufacture, or sell controlled substances or marijuana, as defined in subsection (b) of Code Section 16-13-30;

(14) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine, as defined in Code Section 16-13-31;

(15) Child molestation, as defined in subsection (a) of Code Section 16-6-4; or

(16) Enticing a child for indecent purposes, as defined in Code Section 16-6-5.”

By striking lines 31 and 32 on page 1 and inserting in lieu thereof the following:

“or after July 1, 1999, of certain specified crimes?”

Senator Thompson of the 33rd asked that he be excused from voting on SR 463 pursuant to Rule 175. On the motion, the yeas were 41, nays 1; the motion prevailed, and Senator Thompson of the 33rd was excused.

Senators Ralston of the 51st and Clay of the 37th offered the following amendment:

Amend the Clay et al. floor amendment to SR 463 by striking the word “or” from line 35 of page 1.

By striking line 2 of page 2 and inserting in lieu thereof the following:

“in Code Section 16-6-5; or

(17) Any crime which results in injury or death in the line of official duty of a law enforcement officer, firefighter, or emergency medical technician.”

On adoption of the amendment, the President ordered a roll call and the vote was as follows:

N	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	N	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	N	Hill	Y	Ray
Y	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	Y	Huggins	N	Scott
Y	Brush	N	James	N	Starr
Y	Burton	N	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	N	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
N	Dean	Y	Langford	N	Thomas,N
N	Egan	Y	Madden	EX	Thompson
N	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 37, nays 18, and the Ralston, Clay amendment to the Clay, et al. amendment was adopted.

On the adoption of the amendment as amended, the President ordered a roll call, and the vote was as follows:

N	Abernathy	Y	Boshears	N	Brown, 26th
Y	Balfour	N	Bowen	Y	Brush
N	Blitch	N	Broun, 46th	Y	Burton

Y Cagle	N Huggins	Y Ralston
Y Cheeks	N James	Y Ray
Y Clay	N Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	N Scott
N Dean	N Kemp	N Starr
N Egan	Y Lamutt	N Stokes
N Fort	N Land	N Streat
N Gillis	N Langford	Y Tanksley
Y Glanton	Y Madden	N Taylor
Y Gochenour	N Marable	Y Thomas,D
N Griffin	N Middleton	N Thomas,N
Y Guhl	N Oliver	EX Thompson
N Harbison	N Perdue	N Turner
N Henson	Y Price,R	Y Tysinger
N Hill	Y Price,T	N Walker
N Hooks	N Ragan	

On the adoption of the amendment, the yeas were 21, nays 33, and the Clay, et al. amendment was lost.

Senator Langford of the 29th offered the following amendment:

Amend SR 463 by striking the word “abolish” where it appears on line 1 of page 1 and on line 28 of page 1 and inserting in lieu thereof the following:

“provide that the General Assembly may abolish or limit”

By striking all matter on lines 13 through 20 of page 1 and inserting in lieu thereof the following:

“(f) Except as provided in subparagraph (e), the General Assembly may abolish or limit the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles, to commute penalties, to remove disabilities by law, and to remit any part of a sentence for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly.”

Senator Langford of the 29th asked unanimous consent that his amendment be withdrawn.

The consent was granted, and the Langford amendment was withdrawn.

Senators Perdue of the 18th, Dean of the 31st and Walker of the 22nd offered the following substitute to SR 463:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the General Assembly shall abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes to be defined by the General Assembly; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IV, Section II, Paragraph II of the Constitution is amended by inserting at the end thereof a new subparagraph (f) to read as follows:

“(f) Except as provided in subparagraph (e), the General Assembly shall abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles, to commute penalties, to remove disabilities by law, or to remit any part of a sentence for all persons convicted on or after July 1, 1999, of crimes to be defined by the General Assembly.”

SECTION 2.

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 be amended so as to provide that the General Assembly shall abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes to be defined by the General Assembly?”
- () NO

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 and shall take effect as provided in Article X, Section I, Paragraph VI of the Constitution.

Senators Land of the 16th and Crotts of the 17th offered the following amendment:

Amend SR 463 floor substitute by adding on line 32 of page 1 between the word “Assembly” and the question mark the following:

”, which abolishment of parole is estimated to cost the taxpayers of Georgia up to \$6,000,000,000.00 (Six Billion Dollars) in additional state spending over the next ten years or which abolishment will require the General Assembly to completely rewrite Georgia’s sentencing laws, likely resulting in shorter sentences for many convicted criminals, narrow sentencing guidelines which allow for minimal judicial and prosecutorial discretion in sentencing, and allowing for some convicted criminals who currently serve time in prison to serve their time through probation supervision in the community”

On the adoption of the amendment, the President ordered a roll call and the vote was as follows:

Y Abernathy	Y Crotts	N Hooks
Y Balfour	N Dean	N Huggins
N Blitch	Y Egan	N James
Y Boshears	N Fort	N Johnson,D
N Bowen	N Gillis	N Johnson,E
N Broun, 46th	Y Glanton	N Kemp
Y Brown, 26th	Y Gochenour	N Lamutt
Y Brush	N Griffin	Y Land
Y Burton	Y Guhl	N Langford
N Cagle	N Harbison	N Madden
N Cheeks	N Henson	N Marable
Y Clay	N Hill	N Middleton

N Oliver	Y Roberts	Y Thomas,D
N Perdue	N Scott	N Thomas,N
Y Price,R	N Starr	EX Thompson
Y Price,T	N Stokes	N Turner
N Ragan	N Streat	Y Tysinger
Y Ralston	Y Tanksley	N Walker
N Ray	N Taylor	

On the adoption of the amendment, the yeas were 20, nays 35, and the Land, Crotts amendment to the floor substitute was lost.

Senators Clay of the 37th, Ralston of the 51st and Crotts of the 17th offered the following amendment:

Amend the floor substitute to SR 463 by striking lines 4 and 5 on page 1 and inserting in lieu thereof the following:

“of certain specified crimes; to provide for submission of this”

By striking lines 19 and 20 on page 1 and inserting in lieu thereof the following:

“or after July 1, 1999, of any of the following crimes:

- (1) Murder or felony murder, as defined in Code Section 16-5-1;
- (2) Armed robbery, as defined in Code Section 16-8-41;
- (3) Kidnapping, as defined in Code Section 16-5-40;
- (4) Rape, as defined in Code Section 16-6-1;
- (5) Aggravated child molestation, as defined in Code Section 16-6-4;
- (6) Aggravated sodomy, as defined in Code Section 16-6-2;
- (7) Aggravated sexual battery, as defined in Code Section 16-6-22.2;
- (8) Voluntary manslaughter, as defined in Code Section 16-5-2;
- (9) Aggravated assault, as defined in Code Section 16-5-21;
- (10) Aggravated battery, as defined in Code Section 16-5-24;
- (11) Robbery, as defined in Code Section 16-8-40;
- (12) Burglary, as defined in Code Section 16-7-1;
- (13) Possession with intent to distribute, manufacture, or sell controlled substances or marijuana, as defined in subsection (b) of Code Section 16-13-30;
- (14) Trafficking in cocaine, illegal drugs, marijuana, or methamphetamine, as defined in Code Section 16-13-31;
- (15) Child molestation, as defined in subsection (a) of Code Section 16-6-4; or
- (16) Enticing a child for indecent purposes, as defined in Code Section 16-6-5.”

By striking lines 31 and 32 on page 1 and inserting in lieu thereof the following:

“or after July 1, 1999, of certain specified crimes?”

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N Abernathy	Y Boshears	N Brown, 26th
Y Balfour	N Bowen	Y Brush
N Blitch	N Broun, 46th	Y Burton

Y Cagle	N Huggins	Y Ralston
N Cheeks	N James	Y Ray
Y Clay	N Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	N Scott
N Dean	N Kemp	N Starr
N Egan	Y Lamutt	N Stokes
N Fort	N Land	N Streat
N Gillis	Y Langford	Y Tanksley
Y Glanton	Y Madden	N Taylor
Y Gochenour	N Marable	Y Thomas,D
N Griffin	N Middleton	N Thomas,N
Y Guhl	N Oliver	EX Thompson
N Harbison	N Perdue	N Turner
N Henson	Y Price,R	Y Tysinger
N Hill	Y Price,T	N Walker
N Hooks	N Ragan	

On the adoption of the amendment, the yeas were 22, nays 33, and the Clay et al. amendment to the floor substitute was lost.

On the adoption of the floor substitute, the President ordered a roll call, and the vote was as follows:

N Abernathy	Y Griffin	N Price,R
N Balfour	Y Guhl	N Price,T
Y Blitch	Y Harbison	Y Ragan
N Boshears	Y Henson	N Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	N Roberts
N Brown, 26th	Y Huggins	Y Scott
N Brush	N James	Y Starr
N Burton	N Johnson,D	N Stokes
N Cagle	N Johnson,E	Y Streat
Y Cheeks	Y Kemp	N Tanksley
N Clay	N Lamutt	Y Taylor
N Crotts	N Land	N Thomas,D
Y Dean	Y Langford	N Thomas,N
N Egan	Y Madden	Y Thompson
N Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	N Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Y Perdue	

On the adoption of the floor substitute, the yeas were 28, nays 28, and the Perdue, et al. substitute was lost.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

N Abernathy	N Boshears	N Brown, 26th
Y Balfour	Y Bowen	Y Brush
N Blitch	Y Broun, 46th	Y Burton

Y Cagle	Y Huggins	Y Ralston
Y Cheeks	N James	Y Ray
Y Clay	N Johnson,D	Y Roberts
N Crotts	Y Johnson,E	Y Scott
Y Dean	Y Kemp	Y Starr
N Egan	Y Lamutt	N Stokes
N Fort	N Land	Y Streat
Y Gillis	Y Langford	Y Tanksley
N Glanton	Y Madden	Y Taylor
Y Gochenour	Y Marable	Y Thomas,D
N Griffin	Y Middleton	N Thomas,N
Y Guhl	Y Oliver	Y Thompson
N Harbison	Y Perdue	Y Turner
Y Henson	Y Price,R	N Tysinger
Y Hill	Y Price,T	Y Walker
Y Hooks	Y Ragan	

On the adoption of the resolution, the yeas were 40, nays 16.

The resolution, having received the requisite two-thirds constitutional majority, was adopted.

SR 477. By Senators Walker of the 22nd, Perdue of the 18th, Stokes of the 43rd and others:

A resolution creating the Bipartisan Joint Commission on Parole Abolition and Sentencing Reform.

Senators Walker of the 22nd and Marable of the 52nd offered the following amendment: Amend SR 477 by striking from lines 1 and 2 on page 1 the following:

“Parole Abolition and”

By striking from line 14 on page 1 the following:

“following the abolition of parole”

By striking from line 21 on page 1 the following:

“Parole Abolition and”

By striking from lines 7 and 8 on page 2 the following:

“the abolition of parole and”

By striking from line 16 on page 2 the following:

“abolishing parole and”

On the adoption of the amendment, the yeas were 35, nays 0, and the Walker, Marable amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Broun, 46th	Y Cheeks
Y Balfour	Y Brown, 26th	Y Clay
Y Blitch	Y Brush	Y Crotts
Y Boshears	Y Burton	Y Dean
Y Bowen	Y Cagle	Y Egan

Y Fort	Y Kemp	Y Roberts
Y Gillis	Y Lamutt	Scott
Y Glanton	Y Land	Y Starr
Y Gochenour	Y Langford	Y Stokes
Y Griffin	Y Madden	Y Streat
Y Guhl	Y Marable	Y Tanksley
Y Harbison	Y Middleton	Y Taylor
Y Henson	Y Oliver	Y Thomas,D
Y Hill	Y Perdue	Y Thomas,N
Y Hooks	Y Price,R	Y Thompson
Y Huggins	Y Price,T	Y Turner
Y James	Y Ragan	Y Tysinger
Y Johnson,D	Y Ralston	Y Walker
Y Johnson,E	Y Ray	

On the adoption of the resolution, the yeas were 55, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended.

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 2:43 P.M., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
 Tuesday, January 27, 1998
 Seventh Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1278. By Representatives Scott of the 165th and Hudson of the 156th:

A bill to amend an Act amending an Act entitled "An Act to provide a new charter for the City of Tifton," so as to provide a date for a referendum.

HB 1279. By Representatives Scott of the 165th and Hudson of the 156th:

A bill to amend an Act entitled "An Act to provide a new charter for the City of Tifton," so as to change the terms of office of certain council districts.

HB 943. By Representative Cummings of the 27th:

A bill to amend Chapter 21 of Title 47 of the Official Code of Georgia Annotated, relating to the Regents Retirement Plan, so as to provide that the Teachers Retirement System of Georgia shall not pay a benefit based upon service rendered by a member of the Regents Retirement Plan.

HB 944. By Representative Cummings of the 27th:

A bill to amend Code Section 47-2-334 of the Official Code of Georgia Annotated, relating to service retirement benefits, employee contributions, and related matters relative to members of the Employees' Retirement System of Georgia who became members on or after July 1, 1982, so as to provide that membership service may include certain prior service as a member of such retirement system.

HB 937. By Representatives Floyd of the 138th and Walker of the 141st:

A bill to amend Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System by superior court judges, district attorneys, and related matters, so as to provide that employees of district attorneys shall be members of such retirement system.

HB 458. By Representatives Hecht of the 97th, Polak of the 67th, Hugley of the 133rd and others:

A bill to amend Article 1 of Chapter 3 of Title 45 of the Official Code of Georgia Annotated, relating to official oaths, so as to conform the provisions relating to oaths of office contained in Code Section 45-3-1 to the qualifications for

holding public office regarding the holding of unaccounted for public money due the state or its political subdivisions.

The following bills were introduced, read the first time and referred to committees:

SB 483. By Senator Broun of the 46th:

A bill to amend an Act providing a supplement to the salary of the judges of the superior courts of the Western Judicial Circuit, as amended, so as to change the supplementary compensation for the judges of the superior courts of the Western Judicial Circuit by the governing authority of the Unified Government of Athens-Clarke County and the governing authority of Oconee County.

Referred to Committee on State and Local Governmental Operations.

SB 484. By Senators Gillis of the 20th, Huggins of the 53rd, Egan of the 40th and others:

A bill to amend Chapter 2 of Title 12 of the Official Code of Georgia Annotated, relating to the Department of Natural Resources, so as to change a certain date applicable to criminal enforcement of regulations; to amend Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic sites, and recreational areas, so as to provide that persons may not enter areas requiring permits without such a permit.

Referred to Committee on Natural Resources.

SB 485. By Senators Gillis of the 20th, Huggins of the 53rd, Bowen of the 13th and others:

A bill to amend Code Section 45-18-5 of the Official Code of Georgia Annotated, relating to the county officers' and employees' health plans, so as to amend certain provisions relating to election of plans; to provide for related matters; to provide an effective date.

Referred to Committee on State and Local Governmental Operations (General).

SB 486. By Senators Gillis of the 20th, Huggins of the 53rd, Egan of the 40th and others:

A bill to amend Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to public water systems, so as to provide for the imposition of civil penalties upon public water systems serving fewer than 10,000 persons, respectively, for certain violations and for the negligent or intentional failure or refusal to comply with final orders issued by the director of the Environmental Protection Division of the Department of Natural Resources.

Referred to Committee on Natural Resources.

SB 487. By Senators Dean of the 31st and Marable of the 52nd:

A bill to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for issuance of special "Give Children A Chance" license plates to benefit the Court Appointed Special Advocates (CASA) program for abused and neglected children; to provide for the design of such license plates; to provide for license fees.

Referred to Committee on Transportation.

SB 488. By Senator Tysinger of the 41st:

A bill to amend Code Section 44-7-55 of the Official Code of Georgia Annotated, relating to writ of possession after trial in dispossessory proceedings, so as to change the time when that writ becomes effective.

Referred to Committee on Special Judiciary.

SB 489. By Senators Land of the 16th and Harbison of the 15th:

A bill to amend Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, so as to change certain provisions relating to a previous constitutional exemption from ad valorem taxation for disabled veterans continued in effect as statutory law; to provide for a special election; to provide for effective dates.

Referred to Committee on Finance and Public Utilities.

SB 490. By Senators Thomas of the 10th, Griffin of the 25th, Johnson of the 2nd and others:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to require health insurers to provide coverage for the treatment of morbid obesity when medically indicated; to provide for a short title; to provide for legislative findings; to provide definitions; to provide for the issuance of rules and regulations by the Commissioner of Insurance.

Referred to Committee on Insurance and Labor.

SB 491. By Senators Clay of the 37th, Tanksley of the 32nd and Lamutt of the 21st:

A bill to amend Part 13 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the organization of schools and school systems, so as to authorize the State Board of Education to waive certain requirements relating to middle school grants for a limited period of time; to provide for an effective date.

Referred to Committee on Education.

SB 492. By Senator Price of the 56th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to motor vehicle instruction permits, graduated licensing, and related restrictions; to provide an effective date.

Referred to Committee on Public Safety.

SB 493. By Senator Price of the 56th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to motor vehicle instruction permits, graduated licensing, and related restrictions; to provide an effective date.

Referred to Committee on Public Safety.

SB 494. By Senator Price of the 56th:

A bill to amend Article 2 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to grants of pardons, paroles, and other relief, so as to provide that offenders convicted of a felony shall not be eligible for consideration for parole or other early release for a specified time period; to provide a definition; to provide an effective date.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 495. By Senator Price of the 56th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to limited driving permits for certain offenders; to provide an effective date.

Referred to Committee on Public Safety.

SB 496. By Senators Hooks of the 14th, Clay of the 37th, Walker of the 22nd and others:

A bill to amend Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic areas, memorials, and recreation, so as to create the Land, Water, and Wildlife Heritage Fund; to provide for definitions; to provide for the administration of the heritage fund; to provide for authorized expenditures from the heritage fund; to provide for the funding of the heritage fund by an increase in the real estate transfer tax.

Referred to Committee on Natural Resources.

SB 497. By Senators Lamutt of the 21st, Clay of the 37th, Tanksley of the 32nd and others:

A bill to amend Article 1 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to ethics in government, so as to regulate political contributions and expenditures by labor organizations and separate segregated funds thereof; to amend Article 2 of Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to membership in labor organizations, so as to regulate certain political contributions.

Referred to Committee on State and Local Governmental Operations (General).

SB 498. By Senators Clay of the 37th and Tanksley of the 32nd:

A bill to amend Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to registration of sexually violent predators, so as to provide for increased penalties for failure to register; to provide for related matters; to provide for an effective date.

Referred to Committee on Judiciary.

SB 499. By Senators Clay of the 37th, Price of the 56th and Marable of the 52nd:

A bill to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for the "Georgia School Workforce Preparation Program"; to provide for staffing and construction needs for technology programs designed to help Georgia high school students be prepared for technology related jobs; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Education.

- SB 500. By Senators Streat of the 19th, Ragan of the 11th, Middleton of the 50th and others:

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A bill to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to provide for the licensing of the retail sale of fresh or frozen seafood, meat, or poultry from a mobile vehicle; to provide for definitions; to provide for licenses and the issuance and revocation thereof.

Referred to Committee on Consumer Affairs.

- SB 501. By Senators Clay of the 37th, Lamutt of the 21st and Tanksley of the 32nd:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, as amended, so as to provide for a change in the compensation of the judges of the Juvenile Court of Cobb County; to provide for related matters; to provide for an effective date.

Referred to Committee on State and Local Governmental Operations.

- SB 502. By Senator Cagle of the 49th:

A bill to provide for an alternative method of distribution of the net proceeds of the sales and use tax for educational purposes authorized under Article VIII, Section VI, Paragraph IV of the Constitution among the Hall County School District, City of Gainesville Independent School District, and the City of Buford Independent School District.

Referred to Committee on State and Local Governmental Operations.

- SB 503. By Senators Hill of the 4th, Perdue of the 18th, Henson of the 55th and Marable of the 52nd:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to motor vehicle instruction permits, graduated licensing, and related restrictions; to change certain provisions relating to limited driving permits for certain offenders; to provide an effective date.

Referred to Committee on Public Safety.

- SB 504. By Senators James of the 35th, Johnson of the 2nd, Johnson of the 1st and Fort of the 39th:

A bill to amend Code Section 40-6-52 of the Official Code of Georgia Annotated, relating to trucks using multilane highways, so as to provide that on three-lane roads, streets, or highways trucks shall operate only in the most right-hand lane.

Referred to Committee on Transportation.

- SB 505. By Senators James of the 35th, Johnson of the 2nd and Fort of the 39th:

A bill to amend Article 9 of Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to speed restrictions, so as to provide for maximum speed limits for certain trucks; to define the term "truck"

Referred to Committee on Transportation.

- SB 506. By Senator Egan of the 40th:

A bill to amend an Act requiring the tax commissioner of Fulton County to receive tax returns for the City of Atlanta and setting the date for payment of taxes, as amended, so as to institute one payment date for taxes due to the City of Atlanta, the State of Georgia, and Fulton County.

Referred to Committee on State and Local Governmental Operations.

SB 507. By Senators Abernathy of the 38th, Stokes of the 43rd, Walker of the 22nd and others:

A bill to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to prohibit discrimination based on postal ZIP Code; to change certain provisions relating to standards applicable to making and use of rates.

Referred to Committee on Insurance and Labor.

SR 523. By Senators Clay of the 37th, Johnson of the 1st and Streat of the 19th:

A resolution creating the Senate Study Committee on Decentralizing State Government.

Referred to Committee on Rules.

SR 525. By Senators Price of the 56th and Thomas of the 54th:

A resolution supporting Private Market Initiatives for Children's Health Insurance Programs.

Referred to Committee on Rules.

SR 527. By Senators Johnson of the 2nd and Johnson of the 1st:

A resolution authorizing the conveyance of certain state owned or claimed real property located in Chatham County, Georgia, to Theodore I. Jockisch and the acceptance of certain real property owned or claimed by Theodore I. Jockisch in consideration therefor.

Referred to Committee on Finance and Public Utilities.

SR 529. By Senators Starr of the 44th, Thomas of the 10th, Taylor of the 12th and Perdue of the 18th:

A resolution proposing an amendment to the Constitution so as to specify the educational purposes and programs for which lottery proceeds may be appropriated and expended; to provide for submission of this amendment for ratification or rejection.

Referred to Committee on Economic Development, Tourism and Cultural Affairs.

SR 530. By Senator Starr of the 44th:

A resolution authorizing the granting of nonexclusive easements for operation and maintenance of a railroad crew parking area, deep water dock, radio, telecommunications, electrical, water, sanitary sewer, roads, and access road facilities in, on, over, under, upon, across, or through property owned by the State of Georgia in Bibb, Chatham, Clarke, DeKalb, Dougherty, McDuffie, Muscogee, Richmond, and Union Counties, Georgia.

Referred to Committee on Finance and Public Utilities.

SR 532. By Senators Hooks of the 14th, Clay of the 37th, Walker of the 22nd and others:

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A resolution proposing an amendment to the Constitution so as to require the General Assembly to provide by law for the creation of a Land, Water, and Wildlife Heritage Fund from which funds shall be disbursed for the purpose of acquiring, conserving, managing, or preserving Georgia's natural and historic areas, water resources, and wildlife habitats; to provide for payments into the fund; to provide for the submission of this amendment for ratification or rejection.

Referred to Committee on Natural Resources.

SR 533. By Senator Langford of the 29th:

A resolution proposing an amendment to the Constitution so as to require the General Assembly to provide by general law for the prorata distribution of any unappropriated surplus in the state treasury to the taxpayers of the state under certain conditions; to provide for submission of this amendment for ratification or rejection.

Referred to Committee on Finance and Public Utilities.

SR 535. By Senators Scott of the 36th and Walker of the 22nd:

A resolution amending the Rules of the Senate.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 458. By Representatives Hecht of the 97th, Polak of the 67th, Hugley of the 133rd and others:

A bill to amend Article 1 of Chapter 3 of Title 45 of the Official Code of Georgia Annotated, relating to official oaths, so as to conform the provisions relating to oaths of office contained in Code Section 45-3-1 to the qualifications for holding public office regarding the holding of unaccounted for public money due the state or its political subdivisions.

Referred to Committee on State and Local Governmental Operations (General).

HB 937. By Representatives Floyd of the 138th and Walker of the 141st:

A bill to amend Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System by superior court judges, district attorneys, and related matters, so as to provide that employees of district attorneys shall be members of such retirement system.

Referred to Committee on Retirement.

HB 943. By Representative Cummings of the 27th:

A bill to amend Chapter 21 of Title 47 of the Official Code of Georgia Annotated, relating to the Regents Retirement Plan, so as to provide that the Teachers Retirement System of Georgia shall not pay a benefit based upon service rendered by a member of the Regents Retirement Plan.

Referred to Committee on Retirement.

HB 944. By Representative Cummings of the 27th:

A bill to amend Code Section 47-2-334 of the Official Code of Georgia Annotated, relating to service retirement benefits, employee contributions, and related matters relative to members of the Employees' Retirement System of Georgia who became members on or after July 1, 1982, so as to provide that membership service may include certain prior service as a member of such retirement system.

Referred to Committee on Retirement.

HB 1278. By Representatives Scott of the 165th and Hudson of the 156th:

A bill to amend an Act amending an Act entitled "An Act to provide a new charter for the City of Tifton," so as to provide a date for a referendum.

Referred to Committee on State and Local Governmental Operations.

HB 1279. By Representatives Scott of the 165th and Hudson of the 156th:

A bill to amend an Act entitled "An Act to provide a new charter for the City of Tifton," so as to change the terms of office of certain council districts.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Education has had under consideration the following bill and resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 404. Do pass.

SR 467. Do pass.

Respectfully submitted,

Senator Marable of the 52nd District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 436. Do pass.

SB 444. Do pass by substitute.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 402. Do pass.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1181. Do pass.

Respectfully submitted,

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Senator Thomas of the 10th District, Chairman

The President called for the morning roll call, and the following Senators answered to their names:

Balfour	Griffin	Price,R
Blicht	Guhl	Price,T
Boshears	Harbison	Ragan
Bowen	Henson	Ralston
Broun, 46th	Hill	Ray
Brown, 26th	Hooks	Roberts
Brush	Huggins	Scott
Burton	James	Starr
Cagle	Johnson,D	Stokes
Cheeks	Johnson,E	Streat
Clay	Lamutt	Tanksley
Crotts	Land	Taylor
Dean	Langford	Thomas,D
Egan	Madden	Thomas,N
Fort	Marable	Turner
Gillis	Middleton	Tysinger
Glanton	Oliver	Walker
Gochenour	Perdue	

Those not answering were:

Abernathy	Kemp	Thompson
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The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Tysinger of the 41st introduced the chaplain of the day, Dr. Chris Price, pastor of St. Luke's Presbyterian Church, Dunwoody, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 522. By Senator Kemp of the 3rd:

A resolution recognizing and commending the Reverend Griffin Lotson.

SR 524. By Senators Harbison of the 15th and Land of the 16th:

A resolution commending Henry Byrd, the winner of the 1997 Georgia Occupational Award of Leadership.

SR 526. By Senator Price of the 56th:

A resolution honoring the Atlanta Athletic Club.

SR 528. By Senator Ralston of the 51st:

A resolution to commend Byron Dobbs for his long and very distinguished career in radio broadcasting.

SR 531. By Senators Thompson of the 33rd and Tanksley of the 32nd:

A resolution expressing regret at the passing of William E. "Bill" Bullard.

SR 536. By Senators James of the 35th, Fort of the 39th and Abernathy of the 38th:

A resolution recognizing South Fulton County Legislative Day at the Capitol on February 10, 1998.

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- SR 537. By Senators James of the 35th, Fort of the 39th and Abernathy of the 38th:
A resolution commending the Georgia Outreach Parent Training Network and observing Monday, February 9, 1998, as Georgia Outreach Parent Training Network Day.
- SR 538. By Senators Taylor of the 12th, Hooks of the 14th, Turner of the 8th and others:
A resolution commending Ludlow Porch.
- SR 540. By Senators Turner of the 8th, Bowen of the 13th, Ragan of the 11th and others:
A resolution commending Rhett Akins.

Senator Brush of the 24th moved that the following bill be withdrawn from the Committee on Finance and Public Utilities and committed to the Committee on Transportation:

- SB 471. By Senators Brush of the 24th and Thompson of the 33rd:
A bill to amend Code Section 40-2-77 of the Official Code of Georgia Annotated, relating to special license plates for antique or hobby or special interest vehicles, so as to change the authorized dimensions of such special license plates.

On the motion, the yeas were 36, nays 0; the motion prevailed, and SB 471 was committed to the Committee on Transportation.

Senator Balfour of the 9th introduced the doctor of the day, Dr. Larry Anderson, Lawrenceville, Georgia.

The following local, uncontested bill of the House, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday, January 27, 1998
SEVENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1181 Langford, 29th
MERIWETHER COUNTY

A bill to amend an Act reconstituting the Meriwether County Board of Education, so as to provide a per diem allowance for the members of such board.

The report of the committee, which was favorable to the passage of the bill as reported, was agreed to.

On the passage of the bill on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Blitch	Y	Bowen
Balfour	Y	Boshears	Y	Broun, 46th

Y	Brown, 26th	Hill	Ragan
Y	Brush	Y Hooks	Y Ralston
Y	Burton	Y Huggins	Y Ray
Y	Cagle	Y James	Roberts
Y	Cheeks	Y Johnson,D	Y Scott
Y	Clay	Y Johnson,E	Y Starr
Y	Crotts	Y Kemp	Y Stokes
Y	Dean	Y Lamutt	Y Streat
	Egan	Y Land	Y Tanksley
	Fort	Y Langford	Y Taylor
Y	Gillis	Y Madden	Y Thomas,D
Y	Glanton	Y Marable	Thomas,N
Y	Gochenour	Y Middleton	Y Thompson
Y	Griffin	Y Oliver	Y Turner
Y	Guhl	Y Perdue	Y Tysinger
Y	Harbison	Y Price,R	Walker
	Henson	Price,T	

On the passage of the local bill, the yeas were 45, nays 0.

The bill on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE CALENDAR

Tuesday, January 27, 1998
SEVENTH LEGISLATIVE DAY

- HB 95 Public Service Commission; election; amend provisions (F&PU-14th)
Coleman-142nd
- SB 419 Ad Valorem Taxation-exempt dairy cattle (F&PU-25th)
- SB 433 Electronic Records and Signatures Act and Information Technology Policy Act-change provisions (ST&I-41st)
- HB 1162 Income Tax; certain exemptions and deductions; amend provisions (F&PU-18th) Walker-141st

The following general bills were read the third time and put upon their passage:

- HB 95. By Representatives Coleman of the 142nd, Murphy of the 18th, Hudson of the 156th and others:

A bill to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and membership of the Public Service Commission, so as to change the provisions relating to the election of the members of the commission; to provide for Public Service Commission Districts in which members must reside, provided that such members are elected state wide by the qualified voters of this state.

Senate Sponsor: Senator Hooks of the 14th.

Senator Hooks of the 14th asked unanimous consent that HB 95 be dropped to the bottom of the Calendar. The consent was granted.

SB 419. By Senators Griffin of the 25th, Ragan of the 11th, Bowen of the 13th and others:

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A bill to amend Code Section 48-5-51 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide for an exemption from ad valorem taxation for dairy cattle; to provide for definitions, conditions, and limitations; to provide for applicability; to provide for effective dates; to provide for a referendum.

Senator Griffin of the 25th asked unanimous consent that SB 419 be dropped to the bottom of the Calendar. The consent was granted.

SB 433. By Senators Tysinger of the 41st, Lamutt of the 21st and Oliver of the 42nd:

A bill to amend Chapter 12 of Title 10 of the Official Code of Georgia Annotated, the "Georgia Electronic Records and Signatures Act," so as to change the provisions relating to definitions; to change the provisions regarding accepting or agreeing to be bound by certain electronic records; to retain sovereign immunity; to amend Chapter 29 of Title 50 of the Official Code of Georgia Annotated, the "Information Technology Policy Act of 1995."

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blicht	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks		Roberts
Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan		Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 51, nays 0. The bill, having received the requisite constitutional majority, was passed.

HB 1162. By Representatives Walker of the 141st, Buck of the 135th, Lee of the 94th and others:

A bill to amend Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to income taxes, so as to increase the amount of taxpayer and dependent exemptions with respect to Georgia taxable net income; to increase the amount of the deduction in lieu of a personal exemption with respect to es-

tates or trusts; to increase the amount of deductions that may be taken by taxpayers who have reached age 65 or are blind.

Senate Sponsor: Senator Perdue of the 18th.

Senator Clay of the 37th offered the following amendment:

Amend HB 1162 by inserting after the word and symbol "allowances;" on line 12 of page 1 the following:

"to provide for an income tax credit for certain motor vehicle ad valorem taxes; to provide for restrictions and limitations;"

By inserting between lines 14 and 15 on page 3 the following:

"Said chapter is further amended by striking Code Section 48-7-42 which reads as follows:

'48-7-42.

Reserved.'

and inserting in lieu thereof a new Code Section 48-7-42 to read as follows:

'48-7-42.

(a) As limited by subsections (b) and (c) of this Code section, a person as defined in paragraph (18) of Code Section 48-1-2 who is a taxpayer who files an income tax return shall be allowed a credit against the tax imposed under Code Section 48-7-20 or 48-7-21 in an amount equal to the amount of motor vehicle ad valorem taxes paid by that person or that person's spouse or dependents on each motor vehicle owned by that person or that person's spouse or dependents and used for personal or family purposes in the year for which the tax return is filed.

(b) The tax credit claimed pursuant to subsection (a) of this Code section for any taxable year shall not exceed the tax liability for that taxpayer computed without regard to this Code section.'

SECTION 4."

By striking from line 7 on page 4 the following:

"SECTION 4.",

and inserting in lieu thereof the following:

"SECTION 5."

By striking from line 11 on page 4 the following:

"1998",

and inserting in lieu thereof the following:

"1999"

By striking from line 12 on page 4 the following:

"SECTION 5",

and inserting in lieu thereof the following:

"SECTION 6"

On the adoption of the amendment, the President ordered a roll call and the vote was as follows:

	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blitch	N	Harbison	N	Ragan
Y	Boshears	N	Henson	Y	Ralston
	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	N	James	N	Starr
Y	Burton		Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks	N	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt		Taylor
Y	Crotts	Y	Land	Y	Thomas,D
N	Dean	N	Langford	N	Thomas,N
Y	Egan	N	Madden	N	Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	N	Tysinger
Y	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 21, nays 31, and the Clay amendment (AM 24 0137) was lost.

Senators Clay of the 37th and Johnson of the 1st offered the following amendment:

Amend HB 1162 by striking from lines 12 through 14 of page 1 the following:

“to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.”,

and inserting in its place the following:

“to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation, so as to repeal certain provisions regarding the manner and time of making the state ad valorem tax levy; to provide for effective dates; to provide for applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.”

By striking in their entirety Sections 4 and 5 on page 4 and inserting in their place the following:

SECTION 4.

Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions regarding ad valorem taxation, is amended by striking Code Section 48-5-8, relating to the manner and time of making the state ad valorem tax levy, and inserting in its place a new Code Section 48-5-8 to read as follows:

‘48-5-8.

~~The levy for state taxation shall be made by the Governor with the assistance of the commissioner. Each year, as soon as the value of the taxable property is substantially known by the commissioner, the commissioner shall assist the Governor in making the state levy. Immediately after the Governor has made the state levy, the commissioner shall send to each tax collector and tax commissioner written or printed notices of the Governor’s order~~ Reserved.

SECTION 5.

(a) Except as otherwise provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and shall be applicable to all taxable years beginning on or after January 1, 1998.

(b) Section 4 of this Act shall become effective on January 1, 1999, and shall be applicable to all taxable years beginning on or after January 1, 1999; provided, however, that Section 4 of this Act shall only become effective on January 1, 1999, upon the ratification of a resolution at the November, 1998, state-wide general election, which resolution amends the Constitution so as to eliminate the annual levy of state ad valorem taxes on tangible property. If such resolution is not so ratified, Section 4 of this Act shall not become effective and shall stand repealed in its entirety on January 1, 1999.

SECTION 6.

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

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	N	Harbison	N	Ragan
Y	Boshears	N	Henson	Y	Ralston
	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	N	James	N	Starr
Y	Burton		Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks	N	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	N	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
N	Dean	N	Langford	N	Thomas,N
Y	Egan	N	Madden	N	Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	Y	Tysinger
Y	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 23, nays 30, and the Clay, Johnson of the 1st (AM 18 0584) amendment was lost.

Senators Johnson of the 1st, Clay of the 37th, and Cagle of the 49th offered the following amendment:

Amend HB 1162 by inserting between “allowances;” and “to” on line 12 of page 1 the following:

“to reduce the maximum income tax for certain taxpayers;”

By inserting between lines 6 and 7 of page 4 the following:

"SECTION 3A.

Said chapter is further amended by striking in its entirety paragraph (1) of subsection (b) of Code Section 48-7-20, relating to the income tax rate for individuals, and inserting in lieu thereof a new paragraph (1) to read as follows:

'(b)(1) The For taxable years on or after 1998 the tax imposed pursuant to subsection (a) of this Code section shall be computed in accordance with the following tables:

SINGLE PERSON

If Georgia Taxable Net Income Is:	The Tax Is:
Not over \$750.00	1% 0%
Over \$750.00 but not over \$2,250.00	\$7.50 plus 2% <u>1%</u> of amount over \$750.00
Over \$2,250.00 but not over \$3,750.00	\$37.50 plus 3% <u>2%</u> of amount over \$2,250.00
Over \$3,750.00 but not over \$5,250.00	\$82.50 plus 4% <u>3%</u> of amount over \$3,750.00
Over \$5,250.00 but not over \$7,000.00	\$142.50 plus 5% <u>4%</u> of amount over \$5,250.00
Over \$7,000.00	\$230.00 plus 6% <u>5%</u> of amount over \$7,000.00

MARRIED PERSON FILING A SEPARATE RETURN

If Georgia Taxable Net Income Is:	The Tax Is:
Not over \$500.00	1% 0%
Over \$500.00 but not over \$1,500.00	\$5.00 plus 2% <u>1%</u> of amount over \$500.00
Over \$1,500.00 but not over \$2,500.00	\$25.00 plus 3% <u>2%</u> of amount over \$1,500.00
Over \$2,500.00 but not over \$3,500.00	\$55.00 plus 4% <u>3%</u> of amount over \$2,500.00
Over \$3,500.00 but not over \$5,000.00	\$95.00 plus 5% <u>4%</u> of amount over \$3,500.00
Over \$5,000.00	\$170.00 plus 6% <u>5%</u> of amount over \$5,000.00

HEAD OF HOUSEHOLD AND MARRIED PERSONS FILING A JOINT RETURN

If Georgia Taxable Net Income Is:	The Tax Is:
Not over \$1,000.00	1% 0%
Over \$1,000.00 but not over \$3,000.00	\$10.00 plus 2% <u>1%</u> of amount over \$1,000.00
Over \$3,000.00 but not over \$5,000.00	\$50.00 plus 3% <u>2%</u> of amount over \$3,000.00
Over \$5,000.00 but not over \$7,000.00	\$110.00 plus 4% <u>3%</u> of amount over \$5,000.00
Over \$7,000.00 but not over \$10,000.00 ...	\$190.00 plus 5% <u>4%</u> of amount over \$7,000.00

Over \$10,000.00..... $\$340.00$ plus ~~6%~~ 5% of amount
 over \$10,000.00"

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Abernathy	N	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
N Blitch	N	Harbison	N	Ragan
Y Boshears	N	Henson	Y	Ralston
N Bowen	N	Hill	Y	Ray
N Broun, 46th	N	Hooks	Y	Roberts
N Brown, 26th	N	Huggins	N	Scott
Y Brush		James	N	Starr
Y Burton		Johnson,D	N	Stokes
Y Cagle	Y	Johnson,E	N	Streat
N Cheeks	N	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	N	Taylor
N Crofts	N	Land	Y	Thomas,D
N Dean	N	Langford	N	Thomas,N
N Egan	N	Madden	N	Thompson
N Fort	N	Marable	N	Turner
N Gillis	N	Middleton	Y	Tysinger
Y Glanton	N	Oliver	N	Walker
Y Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 19, nays 34, and the Johnson of the 1st, et al. amendment (AM 18 0580) was lost.

Senators Johnson of the 1st, Clay of the 37th, and Cagle of the 49th offered the following amendment:

Amend HB 1162 by striking "\$5,400.00" and inserting in its place "\$10,800.00" on line 26 of page 1.

By striking "\$2,700.00" and inserting in its place "\$5,400.00" on line 30 of page 1.

By striking "\$2,700.00" and inserting in its place "\$5,400.00" on line 12 of page 2.

By striking "\$3,000" and inserting in its place "\$6,000.00" on line 16 of page 2.

By striking "\$2,700.00" and inserting in its place "\$5,400.00" on line 26 of page 2.

By striking "\$1,350.00" and inserting in its place "\$2,700.00" on line 27 of page 2.

By striking "\$1,300.00" and inserting in its place "\$2,600.00" on lines 34 and 37 of page 2 and lines 1 and 4 of page 3.

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Abernathy	Y	Brush	N	Egan
Y Balfour	Y	Burton		Fort
N Blitch	Y	Cagle	N	Gillis
Y Boshears	N	Cheeks	Y	Glanton
N Bowen	Y	Clay	Y	Gochenour
Broun, 46th	N	Crofts	N	Griffin
N Brown, 26th	N	Dean		Guhl

N Harbison	N Madden	N Starr
N Henson	N Marable	N Stokes
N Hill	N Middleton	N Streat
N Hooks	N Oliver	Y Tanksley
N Huggins	N Perdue	N Taylor
N James	Y Price,R	Y Thomas,D
Johnson,D	Y Price,T	N Thomas,N
Y Johnson,E	N Ragan	N Thompson
N Kemp	Y Ralston	N Turner
Y Lamutt	Y Ray	N Tysinger
N Land	Y Roberts	N Walker
N Langford	N Scott	

On the adoption of the amendment, the yeas were 17, nays 34, and the Johnson of the 1st, et al. amendment (AM 18 0579) was lost.

Senators Johnson of the 1st, Clay of the 37th, and Cagle of the 49th offered the following amendment:

Amend HB 1162 by inserting between "allowances;" and "to" on line 12 of page 1 the following:

"to provide for a tax credit for certain taxpayers and other persons with respect to certain ad valorem personal property taxes; to provide for definitions; to provide for procedures and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing;"

By striking "an effective date" and inserting in its place "for effective dates" on line 12 of page 1.

By inserting between lines 13 and 14 of page 3 the following:

"SECTION 2A.

Said chapter is further amended by adding a new Code section immediately following Code Section 48-7-29, to be designated Code Section 48-7-29.1, to read as follows:

'48-7-29.1.

(a) As used in this Code section, the term "ad valorem taxes" means any and all ad valorem personal property taxes levied on personal use motor vehicles of a taxpayer for which a credit may be claimed under this Code section.

(b) A taxpayer who files an income tax return shall be allowed a credit against the tax imposed under Code Section 48-7-20 in an amount not to exceed the amount of ad valorem taxes paid by that person or that person's spouse or dependent on personal use motor vehicles owned by that person or that person's spouse or dependent in the year for which the tax return is filed.

(c) The tax credit claimed by a taxpayer pursuant to this Code section shall only be deductible from the taxpayer's income tax liability, if any, for the tax year in which it is properly claimed. In the event the tax credit claimed by a taxpayer exceeds the amount of income tax payment due from the taxpayer, the excess of the credit over payments due shall not be allowed to be carried forward to apply to the taxpayer's succeeding years' tax liability. No such tax credit shall not be allowed the taxpayer against prior years' tax liability.

(d) The tax credit provided for in this Code section shall be in addition to and not in lieu of any other tax credit authorized under this title.

(e) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the provisions of this Code section.”

By striking lines 8 through 11 on page 4 and inserting in their place the following:

“(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and shall be applicable to all taxable years beginning on or after January 1, 1998.

(b) Section 2A of this Act shall become effective on January 1, 1999, and shall be applicable to all income tax years beginning on or after that date with respect to ad valorem taxes on personal property paid on or after that date.”

Senator Johnson of the 1st asked unanimous consent that his amendment (AM 18 0578) be withdrawn. The consent was granted and the amendment was withdrawn.

Senators Johnson of the 1st, Clay of the 37th, and Cagle of the 49th offered the following amendment:

Amend HB 1162 by inserting between “allowances;” and “to” on line 12 of page 1 the following:

“to provide for a tax credit for certain taxpayers and other persons with respect to ad valorem property taxes; to provide for definitions; to provide for procedures and limitations; to provide for powers, duties, and authority of the state revenue commissioner with respect to the foregoing;”

By striking “an effective date” and inserting in its place “for effective dates” on line 12 of page 1.

By inserting between lines 13 and 14 of page 3 the following:

“SECTION 2A.

Said chapter is further amended by adding a new Code section immediately following Code Section 48-7-29, to be designated Code Section 48-7-29.1, to read as follows:

‘48-7-29.1.

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

(1) “Ad valorem taxes” means any and all ad valorem property taxes levied on property for which a credit may be claimed under this Code section.

(2) “Agricultural property” means all property contained in the homogeneous group of property classified as agricultural according to the classifications and strata specified by the commissioner.

(3) “Commercial property” means all property contained in the homogeneous group of property classified as commercial according to the classifications and strata specified by the commissioner.

(4) “Industrial property” means all property contained in the homogeneous group of property classified as industrial according to the classifications and strata specified by the commissioner.

(5) “Residential property” means all property contained in the homogeneous group of property classified as residential according to the classifications and strata specified by the commissioner.

(b) A person as defined in paragraph (18) of Code Section 48-1-2 who is a taxpayer who files an income tax return shall be allowed a credit against the tax imposed under Code Section 48-7-20 or 48-7-21 in an amount not to exceed 10 percent of the

amount of ad valorem taxes paid by that person or that person's spouse or dependent on residential, agricultural, commercial, or industrial property, or any combination thereof, owned by that person or that person's spouse or dependent in the year for which the tax return is filed; provided, however, that in no event shall the amount of such credit claimed on any such return exceed \$250.00.

(c)(1) With respect to any single tract of property in which one or more corporations have an ownership interest, only one corporation may claim the credit under this Code section.

(2) Any property tax payment in any year with respect to which a credit is granted under any provision of this Code section shall not qualify for an additional credit for the same year for the same person or any other person under any provision of this Code section.

(3) A person shall only be authorized to claim for a tax year one credit as provided for under this Code section.

(d) The tax credit claimed by a taxpayer pursuant to this Code section shall only be deductible from the taxpayer's income tax liability, if any, for the tax year in which it is properly claimed. In the event the tax credit claimed by a taxpayer exceeds the amount of income tax payment due from the taxpayer, the excess of the credit over payments due shall not be allowed to be carried forward to apply to the taxpayer's succeeding years' tax liability. No such tax credit shall not be allowed the taxpayer against prior years' tax liability.

(e) All claims for a tax credit under this Code section, including any amended claims, must be filed on or before the end of the twelfth month following the close of the taxable year for which the credit may be claimed. Failure to comply with this subsection shall constitute a waiver of the right to claim the credit.

(f) The tax credit provided for in this Code section shall be in addition to and not in lieu of any other tax credit authorized under this title.

(g) The commissioner shall be authorized to promulgate any rules and regulations necessary to implement and administer the provisions of this Code section."

By striking lines 8 through 11 on page 4 and inserting in their place the following:

"(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval, and shall be applicable to all taxable years beginning on or after January 1, 1998.

(b) Section 2A of this Act shall become effective on January 1, 1999, and shall be applicable to all income tax years beginning on or after that date with respect to ad valorem taxes on personal property paid on or after that date."

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

	Abernathy	Y	Burton	N	Gillis
Y	Balfour	Y	Cagle	Y	Glanton
N	Blicht	N	Cheeks	Y	Gochenour
Y	Boshears	Y	Clay	N	Griffin
N	Bowen	N	Crotts	Y	Guhl
N	Broun, 46th	N	Dean	N	Harbison
N	Brown, 26th	N	Egan	N	Henson
Y	Brush	N	Fort	N	Hill

N	Hooks	N	Middleton	N	Stokes
N	Huggins	N	Oliver	N	Streat
N	James	N	Perdue	Y	Tanksley
	Johnson,D	Y	Price,R	N	Taylor
Y	Johnson,E	Y	Price,T	Y	Thomas,D
N	Kemp	N	Ragan	N	Thomas,N
Y	Lamutt	Y	Ralston	N	Thompson
N	Land	Y	Ray	N	Turner
N	Langford	Y	Roberts	Y	Tysinger
N	Madden	N	Scott	N	Walker
N	Marable	N	Starr		

On the adoption of the amendment, the yeas were 19, nays 35, and the Johnson of the 1st, et al. amendment (AM 18 0577) was lost.

Senators Johnson of the 1st, Clay of the 37th, and Cagle of the 49th offered the following amendment:

Amend HB 1162 by striking “to provide for periodic additional increases with respect to personal exemption amounts;” from lines 4, 5, and 6, of page 1 and inserting in its place “to provide for annual adjustments with respect to the amount of certain exemptions and deductions;”

By inserting between lines 18 and 19 of page 2 the following:

“(5) For taxable years beginning on or after January 1, 1999, the exemption amounts provided for in paragraphs (1) and (2) of this subsection and the exemption amount provided for in subparagraph (C) of paragraph (3) of this subsection shall be annually adjusted by the commissioner to reflect the effect of economic inflation on individual taxpayers, and for such purpose, the commissioner may use the Consumer Price Index for all urban consumers published by the Bureau of Labor Statistics of the United States Department of Labor and any other reliable economic indicator determined by the commissioner to be appropriate. For taxable years beginning on or after January 1, 2004, the annual adjustment required under this paragraph with respect to subparagraph (C) of paragraph (3) of this subsection shall cease and shall instead be made with respect to the exemption amount provided for in paragraph (4) of this subsection.”

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

	Abernathy	N	Dean	N	James
Y	Balfour	Y	Egan		Johnson,D
Y	Blitch	N	Fort	Y	Johnson,E
Y	Boshears	N	Gillis	N	Kemp
N	Bowen	Y	Glanton	Y	Lamutt
N	Broun, 46th	Y	Gochenour	Y	Land
N	Brown, 26th	N	Griffin	N	Langford
Y	Brush	Y	Guhl	N	Madden
Y	Burton	Y	Harbison	N	Marable
Y	Cagle	N	Henson	N	Middleton
N	Cheeks	N	Hill	N	Oliver
Y	Clay	N	Hooks	N	Perdue
Y	Crotts	N	Huggins		

Y Price,R	N Scott	Y Thomas,D
Y Price,T	N Starr	N Thomas,N
N Ragan	N Stokes	N Thompson
Y Ralston	N Streat	N Turner
Y Ray	Y Tanksley	Y Tysinger
Y Roberts	N Taylor	N Walker

On the adoption of the amendment, the yeas were 24, nays 30, and the Johnson of the 1st, et al. amendment (AM 18 0576) was lost.

Senators Clay of the 37th and Price of the 56th offered the following amendment:

Amend HB 1162 by striking from lines 15 through 18 of page 2 the following:

“(4) Commencing with the taxable year beginning January 1, 2003, an exemption of \$3,000 for each dependent of a taxpayer shall be allowed as a deduction in computing Georgia taxable income of the taxpayer.”,

and inserting in its place the following:

“(4) Commencing with the taxable year beginning January 1, 1999, and annually thereafter, the exemption amounts under paragraphs (1) and (2) of this subsection shall be increased by such an amount so that the total amount of such exemptions shall effectively reduce the state income tax rate applicable to each bracket under Code Section 48-7-20 by two-thirds of 1 percent, so that for taxable years beginning on or after January 1, 2008, the state personal income tax with respect to individual taxpayers shall be eliminated. The increased exemption amounts required under this paragraph shall be calculated and certified by the director of the Office of Planning and Budget, with the assistance of the commissioner and the state auditor.”

By adding at the end of line 6 of page 4 the following:

“Commencing with the taxable year beginning January 1, 1999, and annually thereafter, the withholding exemption allowances specified by this paragraph shall be adjusted by the commissioner to effectuate the increased personal exemption amounts provided for under paragraph (4) of subsection (a) of Code Section 48-7-26.”

On adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Abernathy	N Gillis	N Langford
Y Balfour	Y Glanton	N Madden
N Blitch	Y Gochenour	N Marable
Y Boshears	N Griffin	N Middleton
N Bowen	Y Guhl	N Oliver
N Broun, 46th	N Harbison	N Perdue
N Brown, 26th	N Henson	Y Price,R
Y Brush	N Hill	Y Price,T
Y Burton	N Hooks	N Ragan
Y Cagle	N Huggins	Y Ralston
N Cheeks	N James	Y Ray
Y Clay	Johnson,D	Y Roberts
N Crotts	Y Johnson,E	N Scott
N Dean	N Kemp	N Starr
N Egan	Y Lamutt	N Stokes
N Fort	N Land	N Streat

Y	Tanksley	N	Thomas,N	N	Tysinger
N	Taylor	N	Thompson	N	Walker
Y	Thomas,D	N	Turner		

On the adoption of the amendment, the yeas were 18, nays 36, and the Clay, Price of the 56th amendment (AM 18 0585) was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton		Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 54, nays 0.

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

Senator Perdue of the 18th introduced the 4-H Club winners of Georgia, commended by SR 515, adopted previously. Wes Taylor, the State 4-H President, addressed the Senate briefly.

The following resolutions were read and adopted:

SR 534. By Senators Ragan of the 11th, Middleton of the 50th, James of the 35th and others:

A resolution recognizing and commending the Georgia Farm Bureau Federation.

SR 539. By Senator Ralston of the 51st:

A resolution honoring and commending the Fannin County High School Band.

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:30 P.M., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Wednesday, January 28, 1998
Eighth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1131. By Representatives Childers of the 13th, Martin of the 47th, Snow of the 2nd and others:

A bill to amend an Act reorganizing the delivery of certain mental health and other services, so as to repeal a certain automatic repealer.

HB 844. By Representative Floyd of the 138th:

A bill to amend Code Section 12-4-72, relating to definitions relative to the "Georgia Surface Mining Act of 1968," so as to provide that certain borrow pits shall not be regulated as surface mines.

HB 1165. By Representatives Walker of the 141st, Martin of the 47th, Murphy of the 18th and others:

A bill to amend Article 1 of Chapter 14 of Title 17 of the Official Code of Georgia Annotated, relating to restitution to crime victims, so as to provide that adult offenders convicted of offenses involving theft and damage to property be required to make restitution to victims who are not otherwise reimbursed or compensated.

HB 516. By Representatives Channell of the 111th, Jenkins of the 110th and Greene of the 158th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to change provisions relating to failure to complete training required for judges of the probate courts.

HB 395. By Representative Ashe of the 46th:

A bill to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to the production of documents and things under the "Georgia Civil Practice Act," so as to require notice to a person who is a nonparty when records relating to such a person are sought from a nonparty practitioner of the healing arts, hospital, or health care facility.

HB 886. By Representative Cummings of the 27th:

A bill to amend Chapter 2 of the Official Code of Georgia Annotated, relating to the Employees' Retirement System of Georgia, so as to change a certain def-

inition; to remove a limitation on the compensation to be considered for calculating retirement benefits.

HB 942. By Representatives Holmes of the 53rd, Byrd of the 170th, Greene of the 158th and others:

A bill to amend Code Section 21-4-6 of the Official Code of Georgia Annotated, relating to the review of grounds for a recall petition, so as to provide for required elements of such review; to provide for the burden of proof; to provide for discovery; to provide for judicial orders.

The following bills were introduced, read the first time and referred to committees:

SB 508. By Senators Ray of the 48th, Land of the 16th, Oliver of the 42nd and others:

A bill to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens, so as to provide a process to void of record such liens which have not been perfected as required by statute; to provide for related matters; to provide an effective date and applicability.

Referred to Committee on Special Judiciary.

SB 509. By Senators Ray of the 48th, Balfour of the 9th, Tysinger of the 41st and others:

A bill to amend Code Section 15-6-2 of the Official Code of Georgia Annotated, relating to the number of superior court judges for each judicial circuit, so as to create a new seventh judgeship for the Gwinnett Judicial Circuit; to provide for the initial appointment and for the election and term of office of said judge; to prescribe the powers, duties, jurisdiction, privileges, and immunities of said judge.

Referred to Committee on Judiciary.

SB 510. By Senators Perdue of the 18th, Oliver of the 42nd, Stokes of the 43rd and others:

A bill to amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to the crimes of assault and battery, so as to provide for the "Crimes Against Family Members Act of 1998"; to define the offense of family violence assault; to provide penalties for such offense; to provide a specific penalty for the offense of simple assault against a person who is 65 years of age or older.

Referred to Committee on Judiciary.

SB 511. By Senator Cagle of the 49th:

A bill to amend Code Section 33-9-4 of the Official Code of Georgia Annotated, relating to standards applicable to making and use of insurance rates, so as to regulate fire insurance rate classification for local fire prevention districts.

Referred to Committee on Insurance and Labor.

SB 512. By Senator Cagle of the 49th:

A bill to amend Code Section 33-9-9 of the Official Code of Georgia Annotated, relating to use of rating systems, underwriting rules, or forms of rating or advisory organizations, so as to provide for variances from fire insurance rate

classifications for local fire prevention districts upon request of county governing authorities.

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Referred to Committee on Insurance and Labor.

SB 513. By Senators Walker of the 22nd, Harbison of the 15th, Dean of the 31st and Marable of the 52nd:

A bill to amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, so as to provide for the "Personal Financial Security Act"; to define the criminal offense of financial identity fraud; to provide for penalties; to authorize the Attorney General to prosecute cases of financial identity fraud.

Referred to Committee on Judiciary.

SB 514. By Senator Gillis of the 20th:

A bill to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to make uniform certain new designations of conservation rangers; to amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions concerning game and fish, so as to provide for a new designation of conservation rangers and to make certain provisions conform to such new designation.

Referred to Committee on Natural Resources.

SB 515. By Senator Johnson of the 1st:

A bill to amend Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, ports, and vessels, so as to define certain terms; to provide that a certificate of title shall be required for all vessels principally used in this state; to provide for exemptions; to provide that boat liveries shall not rent, lease, or charter boats without obtaining a certificate of title.

Referred to Committee on Transportation.

SB 516. By Senator Price of the 56th:

A bill to amend Code Section 40-6-74 of the Official Code of Georgia Annotated, relating to the operation of vehicles on approach of authorized emergency vehicles, so as to provide for arrests based upon information supplied by the operator of such vehicles; to repeal conflicting laws; and for other purposes.

Referred to Committee on Public Safety.

SB 517. By Senator Cagle of the 49th:

A bill to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the local option sales and use tax for educational purposes, so as to provide for concurrent resolution requirements; to change certain provisions regarding requirements and procedures with respect to such tax; to provide an effective date.

Referred to Committee on Finance and Public Utilities.

SB 518. By Senators Taylor of the 12th, Harbison of the 15th, Burton of the 5th and others:

A bill to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates honoring United States armed forces veterans of the Chosin Reservoir Campaign of 1950 in North Korea.

Referred to Committee on Transportation.

SB 519. By Senators Harbison of the 15th, Glanton of the 34th, Johnson of the 2nd and others:

A bill to amend Code Section 20-2-168 of the Official Code of Georgia Annotated, relating to distribution of federal funds by the State Board of Education, combined purchase of supplies and equipment, minimum school year, summer school programs and year-round operation, so as to provide that all public elementary and secondary schools shall be closed on November 11 of each year in honor of veterans.

Referred to Committee on Education.

SB 520. By Senator Langford of the 29th:

A bill to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to create the Middle Chattahoochee Water Resources Authority; to define certain terms; to provide for membership of the authority; to provide for a board of governors; to provide for powers and duties of the authority; to provide for issuing bonds and incurring debt; to provide for matters relative to the foregoing; to provide for an effective date.

Referred to Committee on Natural Resources.

SB 521. By Senators Stokes of the 43rd, Clay of the 37th, Thomas of the 10th and others:

A bill to amend Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to hearings on proposed zoning decisions, so as to provide that at least 30 days prior to a zoning decision for rezoning initiated by a party other than the local government the local government shall post a sign on the property to be rezoned.

Referred to Committee on State and Local Governmental Operations (General).

SB 522. By Senators Walker of the 22nd, Dean of the 31st, Harbison of the 15th and others:

A bill to amend Article 4 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, "The Telecommunications and Competition Development Act of 1995," so as to require a customer's written authorization before a telecommunications company may charge for any telecommunications or other type of service; to require that the charges for any new or changed services be stated in a separate and distinct manner.

Referred to Committee on Finance and Public Utilities.

SB 523. By Senators Taylor of the 12th, Bowen of the 13th, Scott of the 36th, Hill of the 4th, Kemp of the 3rd and others:

A bill to amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to prosecuting attor-

neys, so as to authorize the district attorney in each judicial circuit to appoint one assistant district attorney who shall prosecute as directed by the district attorney only cases involving violations of Article 2 of Chapter 13 of Title 16, known as the "Georgia Controlled Substances Act"

Referred to Committee on Special Judiciary.

SB 524. By Senators Perdue of the 18th, Oliver of the 42nd and Taylor of the 12th:

A bill to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, the "Georgia Civil Practice Act," so as to provide for service of offers of settlement; to provide that any party who rejects an offer of settlement which is more favorable than a judgment finally entered shall pay the costs, including attorney's fees, incurred after the making of the offer.

Referred to Committee on Judiciary.

SB 525. By Senators Johnson of the 1st, Dean of the 31st, Perdue of the 18th and others:

A bill to amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, so as to revise practice and procedure in such proceedings; to eliminate the requirement of demand for possession; to place conditions on tender of rent as a defense; to change the disposition of rent paid into court.

Referred to Committee on Special Judiciary.

SR 541. By Senators Clay of the 37th and Johnson of the 1st:

A resolution proposing an amendment to the Constitution so as to eliminate the annual levy of state ad valorem taxes on certain tangible property except for the purpose of defending the state in an emergency; to provide for the submission of this amendment for ratification or rejection.

Referred to Committee on Finance and Public Utilities.

SR 543. By Senators Stokes of the 43rd, Thomas of the 10th, Oliver of the 42nd and others:

A resolution creating the Senate Study Committee on the Creation of the Office of Women's Health within the Department of Human Resources.

Referred to Committee on Rules.

SR 544. By Senators Perdue of the 18th, Johnson of the 1st, Starr of the 44th and Land of the 16th:

A resolution creating the Joint Study Committee on Franchise Fees and Conditions, Rights of Way, and Tax Implications of Competitive Markets.

Referred to Committee on Rules.

SR 545. By Senator Langford of the 29th:

A resolution proposing an amendment to the Constitution so as to provide that the General Assembly may create a water resources authority with the authority to manage any contiguous section of any river of the state to ensure compliance with state and federal environmental laws and regulations; to provide for the membership and the powers and duties of such water resources authorities; to provide for funding of the authorities.

Referred to Committee on Natural Resources.

The following bills were read the first time and referred to committees:

HB 395. By Representative Ashe of the 46th:

A bill to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to the production of documents and things under the "Georgia Civil Practice Act," so as to require notice to a person who is a nonparty when records relating to such a person are sought from a nonparty practitioner of the healing arts, hospital, or health care facility.

Referred to Committee on Judiciary.

HB 516. By Representatives Channell of the 111th, Jenkins of the 110th and Greene of the 158th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to change provisions relating to failure to complete training required for judges of the probate courts.

Referred to Committee on Special Judiciary.

HB 844. By Representative Floyd of the 138th:

A bill to amend Code Section 12-4-72, relating to definitions relative to the "Georgia Surface Mining Act of 1968," so as to provide that certain borrow pits shall not be regulated as surface mines.

Referred to Committee on Natural Resources.

HB 886. By Representative Cummings of the 27th:

A bill to amend Chapter 2 of the Official Code of Georgia Annotated, relating to the Employees' Retirement System of Georgia, so as to change a certain definition; to remove a limitation on the compensation to be considered for calculating retirement benefits.

Referred to Committee on Retirement.

HB 942. By Representatives Holmes of the 53rd, Byrd of the 170th, Greene of the 158th and others:

A bill to amend Code Section 21-4-6 of the Official Code of Georgia Annotated, relating to the review of grounds for a recall petition, so as to provide for required elements of such review; to provide for the burden of proof; to provide for discovery; to provide for judicial orders.

Referred to Committee on Special Judiciary.

HB 1131. By Representatives Childers of the 13th, Martin of the 47th, Snow of the 2nd and others:

A bill to amend an Act reorganizing the delivery of certain mental health and other services, so as to repeal a certain automatic repealer.

Referred to Committee on Health and Human Services.

HB 1165. By Representatives Walker of the 141st, Martin of the 47th, Murphy of the 18th and others:

A bill to amend Article 1 of Chapter 14 of Title 17 of the Official Code of Georgia Annotated, relating to restitution to crime victims, so as to provide that

adult offenders convicted of offenses involving theft and damage to property be required to make restitution to victims who are not otherwise reimbursed or compensated.

Referred to Committee on Judiciary.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following resolutions of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SR 481. Do pass.	SR 493. Do pass.
SR 488. Do pass.	SR 494. Do pass.
SR 489. Do pass.	SR 496. Do pass.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Corrections, Correctional Institutions & Property has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 421. Do pass as amended.	SB 449. Do pass as amended.
SB 423. Do pass.	

Respectfully submitted,

Senator Dean of the 31st District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 410. Do pass.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 290. Do pass.	HB 443. Do pass.
SB 326. Do pass.	HB 759. Do pass.
HB 724. Do pass.	HB 885. Do pass.
HB 780. Do pass.	HB 936. Do pass.
HB 336. Do pass.	HB 937. Do pass.
HB 381. Do pass.	HB 943. Do pass.
HB 442. Do pass.	HB 944. Do pass.

Respectfully submitted,

Senator Cheeks of the 23rd District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 985. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolution were read the second time:

SB 402 SB 404 SB 436 SB 444 SR 467

Senator Walker of the 22nd moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Stokes was excused.

Senator Thomas of the 10th moved that Senator Abernathy of the 38th be excused. On the motion, the yeas were 35, nays 0; the motion prevailed, and Senator Abernathy was excused.

The President called for the morning roll call, and the following Senators answered to their names:

Balfour	Harbison	Price,T
Blitch	Henson	Ragan
Boshears	Hill	Ralston
Bowen	Hooks	Ray
Broun, 46th	Huggins	Roberts
Brown, 26th	James	Scott
Burton	Johnson,D	Starr
Cagle	Johnson,E	Streat
Cheeks	Kemp	Tanksley
Crotts	Lamutt	Taylor
Dean	Land	Thomas,D
Egan	Langford	Thomas,N
Fort	Madden	Thompson
Gillis	Marable	Turner
Glanton	Middleton	Tysinger
Gochenour	Oliver	Walker
Griffin	Perdue	
Guhl	Price,R	

Those not answering were:

Abernathy (excused)	Clay
Brush	Stokes (excused)

The following communication was received by the Secretary:

Please enter into the record that I was in Session today 1/28/98 although I missed roll call.

/s/ Steve Langford, 29th

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Crotts of the 17th introduced the chaplain of the day, Reverend Bob Gass, Stone Mountain, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 542. By Senators www.libtool.com.cn Burton of the 5th, Balfour of the 9th, Tysinger of the 41st and others:

A resolution commending the Parkview High School Panthers football team.

SR 546. By Senator Stokes of the 43rd:

A resolution commending the DeKalb County Public Library.

SR 547. By Senator Hill of the 4th:

A resolution commending the coaches and players of the Pinewood Christian Academy Lady Patriots softball team.

SR 548. By Senator Hill of the 4th:

A resolution commending the Pinewood Christian Academy Patriots football team.

SR 549. By Senators Hill of the 4th, Bowen of the 13th and Guhl of the 45th:

A resolution commending Walton County Deputy Sheriff Henry "Bo" Huff.

SR 550. By Senators Hill of the 4th and Bowen of the 13th:

A resolution recognizing and commending Trooper First Class Grant G. Rowe.

SR 551. By Senator Ragan of the 11th:

A resolution commending Frank McCoy, Jr.

Senator Turner of the 8th introduced Rhett Akins, commended by SR 540, adopted previously, who sang a country and western song.

Senator Fort of the 39th introduced the doctor of the day, Dr. Richard Kaufmann, Atlanta, Georgia.

Senator Johnson of the 1st moved that the following bill be withdrawn from the Appropriations Committee and committed to the Natural Resources Committee:

SB 446. By Senators Johnson of the 1st, Johnson of the 2nd, Hooks of the 14th, Oliver of the 42nd and Hill of the 4th:

A bill to amend Part 1 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions regarding historic areas, so as to provide for preservation of state owned historic properties; to provide for definitions; to encourage the location of state facilities in historic districts and the utilization of historic properties; to provide for legislative intent.

On the motion, the yeas were 38, nays 0; the motion prevailed, and SB 446 was committed to the Natural Resources Committee.

The following local, uncontested bill of the House, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SENATE LOCAL CONSENT CALENDAR

www.libtool.com Wednesday, January 28, 1998

EIGHTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 985 Broun, 46th
Guhl, 45th
BARROW COUNTY

A bill to provide a homestead exemption from Barrow County School District ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding \$20,000.00 and who are 62 years of age or over.

The report of the committee, which was favorable to the passage of the bill as reported, was agreed to.

On the passage of the bill on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

EX Abernathy	Y Griffin	Y Price,R
Y Balfour	Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Bowen	Y Hill	Y Ray
Y Broun, 46th	Hooks	Y Roberts
Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Dean	Y Langford	Y Thomas,N
Egan	Y Madden	Y Thompson
Y Fort	Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the local bill, the yeas were 45, nays 0.

The bill on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE CALENDAR

Wednesday, January 28, 1998

EIGHTH LEGISLATIVE DAY

HB 95 Public Service Commission; election; amend provisions (F&PU-14th)
Coleman-142nd

SB 419 Ad Valorem Taxation-exempt dairy cattle (Substitute)(Amendment)
(F&PU-25th)

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Senator Walker of the 22nd moved that the Senate adjourn until 10:00 a.m. tomorrow; the motion prevailed, and at 11:06 a.m., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Thursday, January 29, 1998
Ninth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1236. By Representative Stancil of the 91st:

A bill to reincorporate and provide a new charter for the Town of Bogart.

HB 1334. By Representative Stancil of the 91st:

A bill to provide a homestead exemption from Oconee County School District ad valorem taxes for educational purposes in the amount of \$10,000.00 of the assessed value of the homestead for the taxable year beginning on January 1, 1999, and \$15,000.00 of the assessed value of the homestead for taxable years beginning on or after January 1, 2000, for certain residents.

HB 1335. By Representative Stancil of the 91st:

A bill to amend an Act creating the Board of Commissioners of Oconee County, so as to change the provisions relating to bonds of the chairperson and members of the board of commissioners.

HB 1336. By Representative Stancil of the 91st:

A bill to provide a homestead exemption from Oconee County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead for the taxable year beginning on January 1, 1999, and \$15,000.00 of the assessed value of the homestead for taxable years beginning on or after January 1, 2000, for certain residents.

HB 1338. By Representative Stancil of the 91st:

A bill to amend an Act creating the Board of Elections and Registration of Oconee County, so as to change the membership of the board.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 867. By Representatives Sims of the 167th, Byrd of the 170th, Porter of the 143rd and Houston of the 166th:

A resolution recognizing and honoring the Douglas Lions Club.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

The following bills were introduced, read the first time and referred to committees:

SB 526. By Senators Walker of the 22nd, Harbison of the 15th and Streat of the 19th:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance generally, and to amend Code Section 33-30-23 of the Official Code of Georgia Annotated, relating to preferred provider plans, standards, payments or reimbursement for noncontracting providers of covered services under health benefit plans, and filing requirements for unlicensed entities, so as to provide a definition.

Referred to Committee on Health and Human Services.

SB 527. By Senator Price of the 56th:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to provide for a pilot program of medical assistance accounts for recipients of medical assistance; to provide for a short title; to provide for legislative purpose; to provide for definitions; to provide for program eligibility.

Referred to Committee on Health and Human Services.

SB 528. By Senators Thomas of the 10th, Oliver of the 42nd, Johnson of the 2nd, Ragan of the 11th and others:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance, so as to require insurers which provide coverage for mastectomy surgery to also provide coverage for breast reconstruction surgery; to provide a short title; to provide for applicability.

Referred to Committee on Health and Human Services.

SB 529. By Senator Langford of the 29th:

A bill to amend Code Section 48-5-306 of the Official Code of Georgia Annotated, relating to notice of changes made to a taxpayer's ad valorem tax return, so as to provide for additional information and disclosures which must be provided to the taxpayer; to provide an effective date; to provide for applicability.

Referred to Committee on Finance and Public Utilities.

SB 530. By Senator Langford of the 29th:

A bill to amend Code Section 40-3-33 of the Official Code of Georgia Annotated, relating to transfers of motor vehicles to and from dealers, so as to require dealers to notify buyers of certain prior uses of used vehicles; to provide for related matters; to provide an effective date.

Referred to Committee on Consumer Affairs.

SB 531. By Senators Walker of the 22nd, Harbison of the 15th and Thomas of the 10th:

A bill to amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, known as the "Temporary Assistance for Needy Families Act,"

so as to change the provisions relating to eligibility for assistance; to change the provisions relating to assistance for qualified aliens.

Referred to Committee on Health and Human Services.

SB 532. By Senators Thomas of the 10th, Price of the 28th and Johnson of the 2nd:

A bill to amend Code Section 21-3-105 of the Official Code of Georgia Annotated, relating to notice of intent of write-in candidates, so as to require that notice of a write-in candidacy be provided no later than seven days after the close of the municipal qualifying period.

Referred to Committee on State and Local Governmental Operations (General).

SB 533. By Senators Perdue of the 18th, Walker of the 22nd and Middleton of the 50th:

A bill to amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so as to redesignate the Joint Board of Family Practice as the Georgia Board for Physician Workforce; to provide for board composition, qualifications, terms, vacancies, organization, expense and allowance, staff, and advisory committees; to provide for the purposes, responsibilities, duties, and powers of the board.

Referred to Committee on Health and Human Services.

SR 552. By Senators Hooks of the 14th, Oliver of the 42nd, Egan of the 40th and Johnson of the 1st:

A resolution to create the Joint Study Committee on Historic Preservation.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 1236. By Representative Stancil of the 91st:

A bill to reincorporate and provide a new charter for the Town of Bogart.

Referred to Committee on State and Local Governmental Operations.

HB 1334. By Representative Stancil of the 91st:

A bill to provide a homestead exemption from Oconee County School District ad valorem taxes for educational purposes in the amount of \$10,000.00 of the assessed value of the homestead for the taxable year beginning on January 1, 1999, and \$15,000.00 of the assessed value of the homestead for taxable years beginning on or after January 1, 2000, for certain residents.

Referred to Committee on State and Local Governmental Operations.

HB 1335. By Representative Stancil of the 91st:

A bill to amend an Act creating the Board of Commissioners of Oconee County, so as to change the provisions relating to bonds of the chairperson and members of the board of commissioners.

Referred to Committee on State and Local Governmental Operations.

HB 1336. By Representative Stancil of the 91st:

A bill to provide a homestead exemption from Oconee County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of

the homestead for the taxable year beginning on January 1, 1999, and \$15,000.00 of the assessed value of the homestead for taxable years beginning on or after January 1, 2000, for certain residents.

Referred to Committee on State and Local Governmental Operations.

HB 1338. By Representative Stancil of the 91st:

A bill to amend an Act creating the Board of Elections and Registration of Oconee County, so as to change the membership of the board.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Economic Development, Tourism and Cultural Affairs has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 529. Do pass by substitute.

Respectfully submitted,

Senator Broun of the 46th District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 55. Do pass by substitute.

SB 186. Do pass by substitute.

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills and resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 484. Do pass.

SB 496. Do pass.

SB 486. Do pass as amended.

SR 532. Do pass.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 411. Do pass by substitute.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

The following bills and resolutions were read the second time:

SB 290

SB 326

SB 410

SB 421

SB 423

SB 449

SR 481

SR 488

SR 489

SR 493

SR 494

SR 496

HB 336	HB 381	HB 442	HB 443	HB 724	HB 759
HB 780	HB 885	HB 936	HB 937	HB 943	HB 944

Senator Brown of the 26th moved that Senator Thomas of the 10th be excused. On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Thomas was excused.

Senator Dean of the 31st moved that Senator Thompson of the 33rd be excused. On the motion, the yeas were 38, nays 0; the motion prevailed, and Senator Thompson was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Abernathy	Glanton	Middleton
Balfour	Gochenour	Oliver
Blitch	Griffin	Price,R
Boshears	Guhl	Price,T
Bowen	Harbison	Ragan
Broun, 46th	Henson	Ralston
Brown, 26th	Hill	Ray
Brush	Hooks	Roberts
Burton	Huggins	Scott
Cagle	Johnson,D	Starr
Cheeks	Johnson,E	Stokes
Clay	Kemp	Streat
Crotts	Lamutt	Taylor
Dean	Land	Thomas,D
Egan	Madden	Turner
Fort	Marable	Tysinger

Those not answering were:

Gillis	Perdue(PRS)	Thompson (excused)
James	Tanksley	Walker
Langford	Thomas,N (excused)	

The following communication was received by the Secretary:

TO: Frank Eldridge, Secretary

FROM: Karen Thompson, Asst. to Sen. Donzella James, 35th

This message is to inform you that Senator Donzella James of the 35th District was present during today's session, however she was running late due to illness and arrived immediately after the Roll Call. Please let the record for Thursday, January 29, 1998 reflect that Senator James was present.

Senator James will not be able to attend the session on Friday, January 30, 1998. We will have a representative formally ask for her to be excused.

Thank you.

The President Pro Tempore led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Starr of the 44th introduced the chaplain of the day, Dr. Wayne Edwards of Forest Park First Baptist Church, Forest Park, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 553. By Senator Broun of the 46th:

A resolution commending Rebecca Paul.

HR 867. By Representatives Sims of the 167th, Byrd of the 170th, Porter of the 143rd and Houston of the 166th:

Recognizing and honoring the Douglas Lions Club.

SENATE CALENDAR

Thursday, January 29, 1998

NINTH LEGISLATIVE DAY

- HB 95 Public Service Commission; election; amend provisions (F&PU-14th)
Coleman-142nd
- SB 419 Ad Valorem Taxation-exempt dairy cattle (Substitute)(Amendment)
(F&PU-25th)
- SB 402 Uniform Commercial Code Investment Securities-provide (S Judy-40th)
- SB 404 Education-grants for joint after-school programs for at-risk students
(Ed-50th)
- SB 436 Uninsured Motorist Claim-service of process on company issuing policy
(Judy-16th)
- SB 444 Public Transit Buses, Rail Cars, Stations-conduct provisions (Substi-
tute)(Judy-42nd)
- SR 467 Blue Ribbon Study Committee on Funding of the "Quality Basic Educa-
tion Act"-create (Ed-50th)

The following general bills were read the third time and put upon their passage:

HB 95. By Representatives Coleman of the 142nd, Murphy of the 18th, Hudson of the 156th and others:

A bill to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and membership of the Public Service Commission, so as to change the provisions relating to the election of the members of the commission; to provide for Public Service Commission Districts in which members must reside, provided that such members are elected state wide by the qualified voters of this state.

Senator Hooks of the 14th asked unanimous consent that HB 95 be dropped to the bottom of the Calendar. The consent was granted.

SB 419. By Senators Griffin of the 25th, Ragan of the 11th, Bowen of the 13th and others:

A bill to amend Code Section 48-5-51 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide for an exemption from ad valorem taxation for dairy cattle; to provide for definitions, conditions, and limitations; to provide for applicability; to provide for effective dates; to provide for a referendum.

Senators Clay of the 37th, Johnson of the 1st, and Cagle of the 49th offered the following amendment:

Amend SB 419 by inserting after the word and symbol "limitations;" on line 5 of page 1 the following:

"to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for an income tax credit for certain motor vehicle ad valorem taxes; to provide for restrictions and limitations;"

By inserting after the word "submitting" on line 1 of page 2 the following:

"Section 1"

By inserting between lines 27 and 28 on page 2 the following:

"SECTION 3.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, is amended by striking Code Section 48-7-42 which reads as follows:

'48-7-42.

Reserved.'

and inserting in lieu thereof a new Code Section 48-7-42 to read as follows:

'48-7-42.

(a) As limited by subsections (b) and (c) of this Code section, a person as defined in paragraph (18) of Code Section 48-1-2 who is a taxpayer who files an income tax return shall be allowed a credit against the tax imposed under Code Section 48-7-20 or 48-7-21 in an amount equal to the amount of motor vehicle ad valorem taxes paid by that person or that person's spouse or dependents on each motor vehicle owned by that person or that person's spouse or dependents and used for personal or family purposes in the year for which the tax return is filed.

(b) The tax credit claimed pursuant to subsection (a) of this Code section for any taxable year shall not exceed the tax liability for that taxpayer computed without regard to this Code section.'

"SECTION 4."

By inserting after the word and symbol "Act," on line 28 of page 2 the following:

"Section 1 of".

By inserting at the end of line 30 on page 2 the following:

"Section 3 of this Act shall become effective on January 1, 1999, and shall apply to all income tax years beginning on or after that date with respect to ad valorem taxes on motor vehicles paid on or after that date."

By striking from line 31 on page 2 the following:

"SECTION 4.",

and inserting in lieu thereof the following:

"SECTION 5."

Senator Clay of the 37th asked unanimous consent that his amendment be withdrawn.

The consent was granted and the amendment was withdrawn.

Senators Clay of the 37th, Johnson of the 1st, and Cagle of the 49th offered the following substitute to SB 419:

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A BILL

To be entitled an Act to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to repeal certain provisions regarding the manner and time of making the state ad valorem tax levy; to provide for an exemption from ad valorem taxation for dairy cattle; to provide for definitions, conditions, and limitations; to provide for effective dates; to provide for a referendum; to provide for applicability; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by striking Code Section 48-5-8, relating to the manner and time of making the state ad valorem tax levy, and inserting in its place a new Code Section 48-5-8 to read as follows:

“48-5-8.

~~The levy for state taxation shall be made by the Governor with the assistance of the commissioner. Each year, as soon as the value of the taxable property is substantially known by the commissioner, the commissioner shall assist the Governor in making the state levy. Immediately after the Governor has made the state levy, the commissioner shall send to each tax collector and tax commissioner written or printed notices of the Governor's order~~ Reserved.”

SECTION 2.

Said chapter is further amended in Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, by adding a new paragraph immediately following paragraph (10) of subsection (a), to be designated paragraph (10.1), to read as follows:

“(10.1) All dairy cattle in this state owned by and remaining in the hands of a milk producer. As used in this paragraph, the term:

(A) ‘Dairy cattle’ means those bovine breeds, including dairy bulls, which are specifically bred and primarily used for the breeding of dairy cattle and the production of dairy products. Such term shall not include cull cows which are no longer capable of producing milk.

(B) ‘Milk producer’ means any person, partnership, corporation, or other legal entity which operates a dairy farm and which produces dairy products or provides, sells, or offers for sale raw milk to a milk plant, receiving station, transfer station, or licensed facility;”

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of State shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the State of Georgia for approval or rejection. The Secretary of State shall conduct that election on the date of the November, 1998, general election. The Secretary of State shall issue the call and conduct that election as provided by general law. The Secretary of State shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date

thereof in the official organ of each county in the state. The ballot shall have written or printed thereon the words:

- () YES Shall the Act be approved which provides for an exemption from ad valorem taxes for dairy cattle owned by and remaining in the hands of milk producers?
 () NO

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Section 2 of this Act shall become of full force and effect on January 1, 1999, and shall apply to all taxable years beginning on or after such date. If Section 2 of this Act is not so approved or if the election is not conducted as provided in this section, Section 2 of this Act shall not become effective and Section 2 of this Act shall be automatically repealed on the first day of January immediately following that election date.

SECTION 4.

Section 1 of this Act shall become effective on January 1, 1999, and shall be applicable to all taxable years beginning on or after January 1, 1999; provided, however, that Section 1 of this Act shall only become effective on January 1, 1999, upon the ratification of a resolution at the November, 1998, state-wide general election, which resolution amends the Constitution so as to eliminate the annual levy of state ad valorem taxes on tangible property. If such resolution is not so ratified, Section 1 of this Act shall not become effective and shall stand repealed in its entirety on January 1, 1999.

SECTION 5.

Except as provided in Sections 3 and 4 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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

Senator Clay of the 37th asked unanimous consent that his substitute be withdrawn.

The consent was granted and the substitute was withdrawn.

Senators Gochenour of the 27th, Gillis of the 20th, Cagle of the 49th, and Guhl of the 45th offered the following amendment:

Amend SB 419 by substituting "livestock" for "dairy cattle" on page 1 line 4.

By deleting on line 15 after "(10.1)" until line 29 and inserting "All livestock"

By deleting "dairy cattle" on page 2 line 12 & 13 and inserting livestock.

Delete on page 2 line 13 & 14 "owned by and remaining in the hands of milk producers?" and inserting " "

On the adoption of the amendment, the yeas were 33 nays 0, and the Gochenour, et al. amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

- | | | |
|-------------|---------------|----------|
| Y Abernathy | Y Bowen | Y Burton |
| Y Balfour | Y Broun, 46th | Y Cagle |
| Y Blitch | Y Brown, 26th | Y Checks |
| Y Boshears | Y Brush | Y Clay |

Y Crotts	Y Johnson,D	Y Ray
Y Dean	N Johnson,E	Y Roberts
Y Egan	Y Kemp	Y Scott
Y Fort	Y Lamutt	Y Starr
Y Gillis	Y Land	Y Stokes
Glanton	Y Langford	Y Streat
Y Gochenour	Y Madden	N Tanksley
Y Griffin	Y Marable	Y Taylor
Y Guhl	Y Middleton	Y Thomas,D
Y Harbison	Y Oliver	EX Thomas,N
Y Henson	Perdue (PRS)	EX Thompson
Y Hill	Y Price,R	Y Turner
Y Hooks	Y Price,T	Y Tysinger
Y Huggins	Y Ragan	Y Walker
Y James	Y Ralston	

On the passage of the bill, the yeas were 50, nays 2.

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

Senator Stokes of the 43rd introduced a group from the DeKalb Library Group, commended by SR 546, adopted previously.

The Calendar was resumed.

SB 402. By Senator Egan of the 40th:

A bill to amend Title 11 of the Official Code of Georgia Annotated, relating to the commercial code, so as to comprehensively reorganize and rewrite Article 8, relating to investment securities; to provide a short title and definitions; to provide rules for determining whether certain obligations and interests are securities or financial assets; to provide for acquisition of a security or financial asset or interest therein.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Glanton	Y Marable
Balfour	Y Gochenour	Y Middleton
Y Blitch	Y Griffin	Y Oliver
Y Boshears	Y Guhl	Perdue (PRS)
Y Bowen	Y Harbison	Y Price,R
Y Broun, 46th	Y Henson	Y Price,T
Y Brown, 26th	Y Hill	Y Ragan
Y Brush	Y Hooks	Y Ralston
Y Burton	Y Huggins	Y Ray
Y Cagle	Y James	Y Roberts
Cheeks	Y Johnson,D	Y Scott
Y Clay	Y Johnson,E	Y Starr
Y Crotts	Y Kemp	Y Stokes
Y Dean	Lamutt	Y Streat
Y Egan	Y Land	Tanksley
Y Fort	Langford	Y Taylor
Y Gillis	Y Madden	Y Thomas,D

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue (PRS)	

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Thomas of the 10th introduced the doctor of the day, Dr. Charmain Martin Heard, Fairburn.

The Calendar was resumed.

SB 444. By Senators Oliver of the 42nd, Scott of the 36th, Stokes of the 43rd and Thomas of the 10th:

A bill to amend Title 16 and Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to crimes and the uniform rules of the road, respectively, so as to provide for uniform enforcement of statutory provisions relative to conduct in public transit buses, rapid rail cars, and stations.

The Senate Committee on Judiciary offered the following substitute to SB 444:

A BILL

To be entitled an Act to amend Title 16 and Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to crimes and the uniform rules of the road, respectively, so as to provide for uniform enforcement of statutory provisions relative to conduct in public transit buses, rapid rail cars, and stations; to prohibit conduct or attempted conduct in such buses, cars, and stations, including smoking, consuming tobacco, consuming food or beverage, possessing an open food or beverage container, obstructing or disturbing passengers, remaining aboard after the route has been completed or the vehicle enters a garage or other restricted area, entering the operator's cab or the driver's seat in the absence of an emergency, and entering, exiting or passing through an emergency door in the absence of an emergency; to provide for exemptions; to clarify provisions relating to service or guide dogs for persons with disabilities; to prohibit other animals; to prohibit offering or gaining specified entry without fare payment, and attempting such conduct; to prohibit certain stopping, standing, or parking of vehicles in specified areas, for other than specified purposes, or for periods exceeding those specified in parking lots, and parking decks owned or operated by a public transit authority; to prohibit leaving

unattended vehicles or taxis in specified areas and impeding ingress, egress, or free passage of other vehicles; to prohibit fires and flames; to provide for fines and the levying authorities for such fines; to provide for written citations and the contents of such citations; to provide for construction; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 16, relating to crimes, is amended by striking in its entirety subsection (a) of Code Section 16-12-120, relating to certain acts in public transit buses, rapid rail cars, or stations, and inserting in its place the following:

“(a) A person who commits or attempts to commit any of the following acts in a public transit bus, a rapid rail car, or station shall be guilty of a misdemeanor:

(1) Spits, defecates, or urinates;

(2) Discards litter, except into receptacles designated for that purpose;

(3) Smokes or consumes tobacco in any form;

(4) Consumes food or beverage or possesses any open food or beverage container, except an operator of a public transit bus at an authorized layover point;

~~(5)~~(5) Plays any radio; cassette, cartridge, or tape player; or similar device unless such device is connected to an earphone that limits the sound to the hearing of the individual user;

~~(6)~~(6) Carries or possesses any explosives, acids, other dangerous articles, or live animals, except for ~~seeing eye dogs properly harnessed and guide dogs or service dogs as described in Code Section 30-4-1 accompanied by a blind person and small animals properly packaged~~ physically disabled person, blind person, person with visual disabilities, deaf person, or a person who is responsible for training a guide dog or service dog as contemplated by Code Section 30-4-1;

~~(7)~~(7) Obstructs, hinders, interferes with, or otherwise disrupts or disturbs the operation, or operator, or passengers of a public transit bus or rapid rail car; or

~~(8)~~(8) Boards any public transit bus through the rear exit door, unless so directed by an employee or agent of the carrier;

(9) Remains aboard any public transit bus or rapid rail car after such vehicle has completed its scheduled route and passengers have been advised to exit the vehicle or remains aboard any public transit bus or rapid rail car after having been warned and after such vehicle has entered a garage or other restricted area not open to the public;

(10) Enters, exists, or passes through any emergency door of any rapid rail car or public transit bus in the absence of a bona fide emergency; or

(11) Enters the operator's cab or driver's seat of any rapid rail car or public transit bus in the absence of a bona fide emergency.

(a.1) Employees of a public transportation authority or carrier while at work performing the duties of their employment shall be exempted from the restrictions of paragraphs (8), (9), (10), and (11) of subsection (a).”

SECTION 2.

Said title is further amended by striking in its entirety Code Section 16-12-120.1, relating to alteration of fare items and sale or exchange of fare items without consent of the public transit agency, and inserting in its place a new Code section to read as follows:

“16-12-120.1.

A person who commits or attempts to commit any of the following acts shall be guilty of a misdemeanor:

- (1) Sells, makes, or possesses any coin, note, token, transfer, transaction card, or similar article which has been altered from its original condition contrary to its intended use to enter or gain entry into or on any bus, rail vehicle, or ~~terminal, or station~~;
- (2) Sells or exchanges any token, transfer, transaction card, ticket, fare medium, or similar article used or to be used as payment for entry into or on any bus, rail vehicle, or terminal without the express consent of the public transit agency owning or operating such vehicles or ~~terminals~~; stations;
- (3) Offers entry or provides entry into or on any bus, rapid rail car, or station to any person without the payment of the proper fare to the public transit agency owning or operating such vehicles or stations;
- (4) Gains entry into or on any bus, rapid rail car, or station without the payment of the proper fare to the public transit agency owning or operating such vehicles or stations; or
- (5) Gains entry into or on any bus, rapid rail car, or station through the use of a transcard, transaction card, or other similar fare media which is the property of another person.”

SECTION 3.

Chapter 6 of Title 40 of the Official Code of Georgia Annotated, relating to the uniform rules of the road, is amended by inserting a new Code section to be designated Code Section 40-6-208 to read as follows:

“40-6-208.

(a) In all parking lots, parking decks, and other such facilities owned or operated by any public transit authority or established for the exclusive purpose of providing parking for passengers of rapid rail or public transit buses, it shall be unlawful to:

- (1) Stop, stand, or park a vehicle other than in marked spaces designed for that purpose;
- (2) Stop, stand, or park a vehicle on any yellow curb;
- (3) Stop, stand, or park a vehicle in any location which results in impeding ingress or egress to said facility or which results in impeding the free passage of any other vehicle;
- (4) Leave any vehicle unattended in areas designated as ‘kiss-ride’ or designated as ‘attended vehicles only’;
- (5) Stop, stand, or park any taxicab or other vehicle for hire, whether attended or unattended, in any area not specifically designated for such vehicles;
- (6) Stop, stand, or park any vehicle for the purpose of loading or unloading passengers, except in areas specifically designated for that use, such as ‘kiss-ride’ or ‘passenger drop-off’ areas;
- (7) Stop, stand, or park any vehicle for a period in excess of 24 hours unless such parking area is designated ‘overnight’ or ‘long-term’ parking;
- (8) Stop, stand, or park any vehicle for any purpose other than to board the rapid rail car or public transit bus serving such parking lot; or

(9) Create or maintain any fire or flame, including fires or flames for cooking or grilling, or to fail to extinguish said fire or flame and to remove from such public transit parking facility all debris and residue associated with the creation and maintenance of said fire or flame.

(b) Any person violating subsection (a) of this Code section shall be subject to a fine levied by the municipality or, in the case of properties located outside the boundaries of a municipality, by the county in which the offense occurs. Such offense shall be cited by the issuance of a written citation which shall be left on the violator's vehicle and which shall contain, at a minimum:

- (1) The nature of the violation;
- (2) The amount of the fine which will be levied for such violation;
- (3) That the cited individual has the right to contest the citation and be given an opportunity to be heard;
- (4) The location of the court in which the cited individual must appear within five days of the date of the citation to contest same; and
- (5) The location at which fines may be paid.

(c) Nothing in this Code section shall be construed to limit the enforcement of any other provision of state law which may be applicable, including, but not limited to, Part 2 of this article, the 'Parking Law For Persons With Disabilities,' and the uniform rules of the road."

SECTION 4.

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

On the adoption of the substitute, the yeas were 36, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue (PRS)	

On the passage of the bill, the yeas were 54, nays 0.

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

SR 467. By Senators Middleton of the 50th, Marable of the 52nd and Hooks of the 14th:

A resolution creating a Blue Ribbon Study Committee on Funding of the "Quality Basic Education Act"

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue (PRS)	

On the adoption of the resolution, the yeas were 54, nays 0.

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

Senator Walker of the 22nd moved that the Senate adjourn until 9 A.M. tomorrow; the motion prevailed, and at 11:52 A.M., the President Pro Tempore announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Friday, January 30, 1998
Tenth Legislative Day

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The Senate met pursuant to adjournment at 9:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1358. By Representatives Hammontree of the 4th and Mann of the 5th:

A bill to amend an Act creating a new charter for the City of Cohutta, so as to provide for the power of the mayor to vote on matters before the city council.

HB 820. By Representative Holmes of the 53rd:

A bill to amend Code Section 15-7-21 of the Official Code of Georgia Annotated, relating to qualifications of judges of state courts, so as to strike certain references to nonpartisan primaries; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for election of members of boards of education in nonpartisan elections without prior nonpartisan primaries.

HB 1180. By Representatives Dixon of the 168th, Epps of the 131st and Reichert of the 126th:

A bill to amend Code Section 3-1-2 of the Official Code of Georgia Annotated, relating to definitions relative to alcoholic beverages, so as to add a new definition.

The House has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 485. By Senators Clay of the 37th and Cagle of the 49th:

A resolution designating June 27-28, 1998, as Amateur Radio Weekend in honor of Georgia's amateur radio operators.

The following bills were introduced, read the first time and referred to committees:

SB 534. By Senators Hill of the 4th, Middleton of the 50th and Marable of the 52nd:

A bill to amend Code Section 20-2-915 of the Official Code of Georgia Annotated, relating to health insurance coverage for retiring and retired public school employees, so as to provide that such coverage shall be provided; to provide for the employee contribution for such coverage; to provide an effective date.

Referred to Committee on Retirement.

- SB 535. By Senators Hill of the 4th, Starr of the 44th, Brown of the 26th and Marable of the 52nd:

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A bill to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and school personnel, by repealing in its entirety Part 1, relating to the Professional Practices Commission; to amend Part 10 of said article, the "Georgia Professional Standards Act," so as to add additional purposes; to add definitions; to authorize the Professional Standards Commission to remove any commissioner from office under certain circumstances.

Referred to Committee on Education.

- SB 536. By Senator Price of the 56th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to motor vehicle instruction permits, graduated licensing, and related restrictions; to provide an effective date.

Referred to Committee on Public Safety.

- SB 537. By Senators Henson of the 55th and Johnson of the 1st:

A bill to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for Sunday alcoholic beverage sales at motor sport road race track facilities with a permanent seating capacity in excess of 10,000 persons in certain counties; to provide for other related matters; to provide an effective date.

Referred to Committee on Consumer Affairs.

- SB 538. By Senator Tysinger of the 41st:

A bill to amend Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle accident reparations, so as to prohibit registration or maintenance of registration of certain motor vehicles not having required liability insurance; to provide for requests for information regarding required motor vehicle liability insurance and verification of responses using random sampling.

Referred to Committee on Insurance and Labor.

- SB 539. By Senators Johnson of the 1st, Walker of the 22nd and Starr of the 44th:

A bill to amend Code Section 48-7-26 of the Official Code of Georgia Annotated, relating to income tax exemptions and deductions, so as to provide for annual adjustments with respect to the amount of certain exemptions and deductions.

Referred to Committee on Finance and Public Utilities.

- SB 540. By Senators Ralston of the 51st and Oliver of the 42nd:

A bill to amend Article 6 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jury trials and appeals to be heard by probate courts, so as to allow counties with populations under 96,000 to elect by local legislation to have their probate courts enabled to hear appeals and hold jury trials; to provide for restrictions.

Referred to Committee on Judiciary.

SB 541. By Senators Ralston of the 51st and Oliver of the 42nd:

A bill to amend Article 6 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jury trials and appeals in probate courts, so as to provide that probate courts shall have concurrent jurisdiction with superior courts over trust issues arising in probate court cases provided that no equitable issues or remedies are involved; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Judiciary.

SB 542. By Senators Guhl of the 45th, Roberts of the 30th, Balfour of the 9th and others:

A bill to amend Code Section 33-3-16 of the Official Code of Georgia Annotated, relating to expiration of certificate of authority to transact insurance and procedure for renewal, so as to provide specifically that certain filings shall be public records of the Commissioner's office; to eliminate a requirement for insurers to publish annual financial statements in newspapers.

Referred to Committee on Insurance and Labor.

SB 543. By Senators Hill of the 4th, Thomas of the 10th, Marable of the 52nd and others:

A bill to amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to provide for the transfer of certification and recertification responsibilities for paramedics and cardiac technicians to the Department of Human Resources from the Composite Board of Medical Examiners; to provide for definitions.

Referred to Committee on Health and Human Services.

SB 544. By Senators Ragan of the 11th, Streat of the 19th, Guhl of the 45th and others:

A bill to amend Code Section 10-4-19 of the Official Code of Georgia Annotated, relating to state licensed and bonded warehouses, required warehouse receipts, and use of electronic warehouse receipts, so as to change the provisions relating to electronic warehouse receipt providers.

Referred to Committee on Special Judiciary.

SB 545. By Senators Boshears of the 6th, Oliver of the 42nd and Thompson of the 33rd:

A bill to amend Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to payment and disposition of fines and forfeitures, so as to authorize the imposition, assessment, and collection of additional penalties when fines are imposed for certain criminal offenses; to require such additional amounts to be paid to the sheriff and deposited into a special account.

Referred to Committee on Special Judiciary.

SB 546. By Senators Glanton of the 34th and Gochenour of the 27th:

A bill to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to ethics in government, so as to provide that if the State Cam-

paign and Financial Disclosure Commission finds violations aggregating \$1,000.00, it shall refer its findings to the Attorney General; to provide that the Attorney General shall review the commission's findings to determine if any other civil or criminal violations have occurred and report such conclusion to the commission.

Referred to Committee on Ethics.

SB 547. By Senator Thomas of the 10th:

A bill to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to health, so as to enact the "Georgia Children and Teachers Right to Safe School Health Act"; to provide that a local board of education or a governing board of a nonpublic school may permit an employee or a person under contract to the board to assist students in self-administration of medications; to provide guidelines.

Referred to Committee on Education.

SB 548. By Senators Thomas of the 10th, Blich of the 7th and Johnson of the 2nd:

A bill to amend Chapter 11 of Title 46 of the Official Code of Georgia Annotated, relating to transportation of hazardous materials, so as to provide for comprehensive regulation by the Public Service Commission of the transportation of spent nuclear fuel and high level radioactive waste; to provide for certain applications, permits, and fees relating thereto.

Referred to Committee on Transportation.

SB 549. By Senators Oliver of the 42nd, Ralston of the 51st and Burton of the 5th:

A bill to expedite admission to or discharge from certain health care institutions of incapacitated adults and persons and adults unable to consent for themselves; to amend Chapter 5 of Title 29 of the Official Code of Georgia Annotated, relating to guardians of incapacitated adults, so as to provide for an alternative procedure for appointment of an emergency guardian; to provide for specific, limited powers for such a guardian.

Referred to Committee on Judiciary.

SB 550. By Senators Oliver of the 42nd, Hill of the 4th and Burton of the 5th:

A bill to amend Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to property tax exemptions and deferral, so as to provide a homestead exemption from ad valorem taxes for educational purposes for the full value of a homestead owned and occupied by a person of 70 years of age or older whose annual household income does not exceed \$30,000.00.

Referred to Committee on Finance and Public Utilities.

SB 551. By Senator Langford of the 29th:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide that registered political bodies may nominate candidates for all offices; to provide for related matters; to provide for an effective date.

Referred to Committee on State and Local Governmental Operations (General).

SB 552. By Senators Oliver of the 42nd, Land of the 16th, Ralston of the 51st and Langford of the 29th:

A bill to amend Chapter 2 of Title 13 of the Official Code of Georgia Annotated, relating to contract provisions selecting the law of Georgia as the applicable law of the contract, so as to permit parties to a contract to submit to jurisdiction of any court or courts of this state; to provide for exceptions; to provide an effective date.

Referred to Committee on Judiciary.

SR 557. By Senators Ragan of the 11th, Streat of the 19th, Middleton of the 50th and others:

A resolution creating the Joint Study Committee on Vocational Student Organizations.

Referred to Committee on Rules.

SR 558. By Senators Gochenour of the 27th, Balfour of the 9th and Glanton of the 34th:

A resolution proposing an amendment to the Constitution so as to provide that all real and personal property shall be appraised for ad valorem taxation purposes for no more than their purchase price value as of the date of the owner's acquisition thereof; to provide for conditions under which such value may be changed; to provide for the submission of this amendment for ratification or rejection.

Referred to Committee on Finance and Public Utilities.

The following bills were read the first time and referred to committees:

HB 820. By Representative Holmes of the 53rd:

A bill to amend Code Section 15-7-21 of the Official Code of Georgia Annotated, relating to qualifications of judges of state courts, so as to strike certain references to nonpartisan primaries; to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to provide for election of members of boards of education in nonpartisan elections without prior nonpartisan primaries.

Referred to Committee on State and Local Governmental Operations (General).

HB 1180. By Representatives Dixon of the 168th, Epps of the 131st and Reichert of the 126th:

A bill to amend Code Section 3-1-2 of the Official Code of Georgia Annotated, relating to definitions relative to alcoholic beverages, so as to add a new definition.

Referred to Committee on Consumer Affairs.

HB 1358. By Representatives Hammontree of the 4th and Mann of the 5th:

A bill to amend an Act creating a new charter for the City of Cohutta, so as to provide for the power of the mayor to vote on matters before the city council.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Agriculture has had under consideration the following bill and resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 420. Do pass by substitute. SR 492. Do pass.

Respectfully submitted,

Senator Ragan of the 11th District, Chairman

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 489. Do pass. SB 522. Do pass as amended.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Public Safety has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 427. Do pass by substitute.

Respectfully submitted,

Senator Bowen of the 13th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 79. Do pass. HB 886. Do pass.

Respectfully submitted,

Senator Cheeks of the 23rd District, Chairman

Mr. President:

The Committee on Science, Technology and Industry has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 437. Do pass.

Respectfully submitted,

Senator Tysinger of the 41st District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 418. Do pass. SB 483. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following bills and resolutions of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 337. Do pass by substitute. SR 368. Do pass by substitute.
SB 471. Do pass. SR 490. Do pass.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

The following bills and resolutions were read the second time:

SB 55 SB 186 SB 411 SB 484 SB 486 SB 496
SR 529 SR 532

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

The Lieutenant Governor introduced the chaplain of the day, Reverend Gene Yelverson, pastor of First United Methodist Church, Cairo, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 554. By Senator Guhl of the 45th:

A resolution commending the Georgia Horticulture Trade Alliance and recognizing the observance of Tuesday, February 3, 1998, as Environmental Horticulture Day in the State of Georgia.

SR 555. By Senators Harbison of the 15th, Griffin of the 25th, Glanton of the 34th and Hill of the 4th:

A resolution commending the Georgia National Guard and declaring Georgia National Guard Day.

SR 556. By Senators Brown of the 26th, Perdue of the 18th and Gochenour of the 27th:

A resolution welcoming citizens and public officials from the City of Macon and Bibb County, observing February 24, 1998, as Macon Day in Atlanta-Taste of Macon

SR 562. By Senator Thompson of the 33rd:

A resolution commending Barbara J. Bruegger.

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 35, nays 0; the motion prevailed, and Senator James was excused.

Senator Gochenour of the 27th moved that Senator Glanton of the 34th be excused. On the motion, the yeas were 38, nays 0; the motion prevailed, and Senator Glanton was excused.

Senator Roberts of the 30th moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 32, nays 0; the motion prevailed, and Senator Ralston was excused.

Senator Perdue of the 18th asked unanimous consent that the morning roll call be dispensed with due to Senators being detained in committee meetings. The consent was granted, and the morning roll call was dispensed with.

The following local, uncontested bills of the Senate, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

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SENATE LOCAL CONSENT CALENDAR

Friday, January 30, 1998

TENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 418 Boshears, 6th
Kemp, 3rd
GLYNN COUNTY

A bill to provide for the nonpartisan nomination and election of the solicitor-general of the State Court of Glynn County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

SB 483 Broun, 46th
CLARKE COUNTY
OCONEE COUNTY

A bill to amend an Act providing a supplement to the salary of the judges of the superior courts of the Western Judicial Circuit, as amended, so as to change the supplementary compensation for the judges of the superior courts of the Western Judicial Circuit by the governing authority of the Unified Government of Athens-Clarke County and the governing authority of Oconee County.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Abernathy	EX Glanton	Y Middleton
Y Balfour	Y Gochenour	Y Oliver
Y Blitch	Griffin	Y Perdue
Y Boshears	Y Guhl	Y Price,R
Bowen	Y Harbison	Y Price,T
Y Broun, 46th	Henson	Ragan
JBrown, 26th	Y Hill	EX Ralston
Y Brush	Y Hooks	Y Ray
Y Burton	Y Huggins	Y Roberts
Y Cagle	EX James	Y Scott
Y Cheeks	Y Johnson,D	Y Starr
Y Clay	Y Johnson,E	Y Stokes
Y Crotts	Y Kemp	Streat
Y Dean	Y Lamutt	Y Tanksley
Y Egan	Y Land	Y Taylor
Y Fort	Y Langford	Thomas,D
Y Gillis	Madden	Y Thomas,N
	Y Marable	Y Thompson

Y Turner

Y Tysinger

Y Walker

On the passage of the local bills, the yeas were 45, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

SENATE CALENDAR

Friday, January 30, 1998

TENTH LEGISLATIVE DAY

- HB 95 Public Service Commission; election; amend provisions (F&PU-14th)
Coleman-142nd
- SB 290 Employees' Retirement Membership-Lottery Corporation employee
choice (Ret-46th)
- SB 326 Pardons and Paroles, Corrections Employees-disability benefits (Ret-
18th)
- SB 410 Children's Health Insurance Act-create (H&HS-22nd)
- SB 421 Juvenile Criminal Records-access, fingerprinting, photographs (Amend-
ment)(Corr-18th)
- SB 423 Claims Advisory Board-exclude certain small claims payments (Corr-
31st)
- SB 449 Pardons and Paroles Board-offenders pay fee to providers for services
(Amendment)(Corr-31st)
- SR 481 DeKalb County-conveyance of certain state owned property (F&PU-
41st)
- SR 488 Coffee County-conveyance of certain state owned property (F&PU-19th)
- SR 489 White County-conveyance of certain state owned property (F&PU-50th)
- SR 493 Baldwin County Property Conveyance-property under Juvenile Justice
Department (F&PU-25th)
- SR 494 Baldwin County Property Conveyance-to Baldwin County Red Cross
(F&PU-25th)
- SR 496 Baldwin County Property Conveyance-sale of houses and tracts (F&PU-
25th)
- HB 336 Firemen's Pension Fund; certain prior service; creditable service (Ret-
53rd) Cummings-27th
- HB 381 Public School Employees Retirement; increase benefit (Ret-5th)
Childers-13th
- HB 442 Employees' Retirement; marriage after retirement; spouse's option (Ret-
53rd) Cummings-27th

- HB 443 Employees' Retirement; retire with less than 30 years (Ret-5th) Cummings-27th
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- HB 724 Employees' Retirement; district attorney's employees; membership (Ret-8th) Golden-177th
- HB 759 Peace Officers' Annuity and Benefit; include certain children and youth services employees (Ret-34th) Parrish-144th
- HB 780 Judges of Probate Courts Retirement; amend provisions (Ret-5th) Jenkins-110th
- HB 885 Employees' Retirement; certain broadcasting service; creditable service (Ret-53rd) Cummings-27th
- HB 936 Employees' Retirement; age 60 or more at time of employment (Ret-34th) Cummings-27th
- HB 937 Employees' Retirement; district attorneys' employees; membership (Ret-5th) Floyd-138th
- HB 943 Regents Retirement; Teachers Retirement not pay certain benefits (Ret-34th) Cummings-27th
- HB 944 Employees' Retirement; membership service; certain prior service (Ret-5th) Cummings-27th

The following general bills were read the third time and put upon their passage:

- HB 95. By Representatives Coleman of the 142nd, Murphy of the 18th, Hudson of the 156th and others:

A bill to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and membership of the Public Service Commission, so as to change the provisions relating to the election of the members of the commission; to provide for Public Service Commission Districts in which members must reside, provided that such members are elected state wide by the qualified voters of this state.

Senator Hooks of the 14th asked unanimous consent that HB 95 be dropped to the bottom of the Calendar. The consent was granted.

- SB 290. By Senator Broun of the 46th:

A bill to amend Article 4 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia, so as to provide that employees of the Georgia Lottery Corporation may elect not to be members of such system; to provide for a return of employee contributions; to provide for an effective date and for automatic repeal.

Senator Thompson of the 33rd moved that he be excused from voting on SB 290 pursuant to Senate Rule 175.

On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Thompson of the 33rd was excused from voting.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

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Y Abernathy	Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Ragan
Y Boshears	Henson	EX Ralston
Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
EX Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 43, nays 0.

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

SB 326. By Senator Perdue of the 18th:

A bill to amend Code Section 47-2-221 of the Official Code of Georgia Annotated, relating to disability benefits payable to certain law enforcement officers disabled in the line of duty, so as to provide for such disability benefits for certain employees of the State Board of Pardons and Paroles and the Department of Corrections; to provide conditions for an effective date and automatic repeal.

Senator Thompson of the 33rd moved that he be excused from voting on SB 326 pursuant to Senate Rule 175.

On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Thompson of the 33rd was excused from voting.

Senators Perdue of the 18th, Cheeks of the 23rd, and Dean of the 31st offered the following substitute to SB 326:

A Bill

To be entitled an Act to amend Code Section 47-2-221 of the Official Code of Georgia Annotated, relating to disability benefits payable to certain law enforcement officers disabled in the line of duty, so as to provide for such disability benefits for certain employees of the State Board of Pardons and Paroles and the Department of Corrections; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section ~~47-2-221~~ of the Official Code of Georgia Annotated, relating to disability benefits payable to certain law enforcement officers disabled in the line of duty, is amended by striking in its entirety subsection (b) and inserting in lieu thereof the following:

“(b)(1) Notwithstanding the disability allowance provided for in Code Section 47-2-123, any employee of the Department of Natural Resources appointed as a deputy conservation ranger under Code Section 27-1-17, any parole officer employed by the State Board of Pardons and Paroles, and any probation officer employed by the Department of Corrections who, while a contributing member of this retirement system and upon becoming permanently disabled due to an act of external violence or injury incurred in the line of law enforcement duty, becomes eligible for disability retirement allowances shall, after a medical examination and upon certification by the medical board that such member is, in their opinion, permanently disabled, be entitled to a monthly allowance as computed on the member's life expectancy without option. Such monthly allowance as shall be payable to the member only, during his or her life or length of disability, shall not exceed 80 percent of the service allowance that would have been payable to the member had he or she accumulated not more than 30 years of creditable service and had retired at age 65. Such allowance shall be computed on the basis of the member's monthly earnable compensation for the month in which his or her permanent disability occurred. Such permanent disability retirement shall apply regardless of the length of service of any such member; and such member shall be deemed to have acquired 30 or more years of creditable service. In addition, a member so disabled in the line of law enforcement duty shall receive a monthly supplemental benefit which shall be in the amount of \$5.00 per month for each year of creditable service as an employee of the Department of Natural Resources who has been appointed as a deputy conservation ranger under Code Section 27-1-17, parole officer of the State Board of Pardons and Paroles, or probation officer of the Department of Corrections. Such additional monthly supplemental benefit shall in no event exceed \$150.00 per month.

(2) In lieu of the foregoing, any member so disabled in the line of law enforcement duty shall be entitled to receive a minimum monthly disability retirement benefit equal to 2 percent of his or her monthly earnable compensation for the month in which his or her permanent disability occurred for each year of creditable service determined as though he or she had continued in service as a deputy conservation ranger, probation officer, or parole officer until his or her mandatory retirement age.”

SECTION 2.

This Act shall become effective on July 1, 1998, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the “Public Retirement Systems Standards Law”; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 1998, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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

On the adoption of the substitute, the yeas were 37, nays 0, and the substitute was adopted.

Pursuant to Senate Rule 143, action on SB 326 was suspended and SB 326 was placed on the General Calendar.

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SB 410. By Senators Walker of the 22nd, Middleton of the 50th, Thomas of the 10th and others:

A bill to amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children, so as to create the "Children's Health Insurance Act"; to provide for the establishment of a children's health insurance program; to provide for administration; to provide for duties of the State Personnel Board and the State Merit System of Personnel Administration; to authorize the adoption of rules and regulations.

Senators Clay of the 37th, Cagle of the 49th, Ray of the 48th and Johnson of the 1st offered the following amendment:

Amend SB 410 by adding after July 1, 1998, on line 15 of p.4 "and expire on July 1, 2003, unless re-authorized by the General Assembly of Georgia"

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blicht	N	Harbison	N	Ragan
N	Boshears	N	Henson	EX	Ralston
N	Bowen	N	Hill	Y	Ray
N	Broun, 46th		Hooks	Y	Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	EX	James	N	Starr
Y	Burton	N	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks	N	Kemp	N	Tanksley
Y	Clay	Y	Lamutt	N	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
N	Dean	Y	Langford	N	Thomas,N
Y	Egan	N	Madden	N	Thompson
N	Fort	N	Marable	N	Turner
Y	Gillis	N	Middleton	Y	Tysinger
EX	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 20, nays 31, and the Clay, et al. amendment was lost.

Senators Price of the 56th, Gochenour of the 27th, and Johnson of the 1st offered the following amendment:

Amend SB 410 by inserting following the word "insurance" on line 39 of page 2 the following:

"(which shall include, if available, at least one HMO plan, one PPO plan, one POS plan, one MSA plan, and one indemnity plan)"

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	N	Harbison	N	Ragan
Y	Boshears	N	Henson	EX	Ralston
N	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
	Brown, 26th	N	Huggins	N	Scott
Y	Brush	EX	James	N	Starr
Y	Burton	N	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks	N	Kemp	N	Tanksley
Y	Clay	Y	Lamutt	N	Taylor
Y	Crotts	N	Land	Y	Thomas,D
N	Dean	N	Langford	N	Thomas,N
Y	Egan	N	Madden		Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	Y	Tysinger
EX	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 19, nays 32, and Price of the 56th, et al. amendment was lost.

Senators Gochenour of the 27th, Johnson of the 1st, Price of the 56th and others offered the following substitute to SB 410:

A BILL

To be entitled an Act to amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children, so as to create the "Georgia Children's Health Insurance Program"; to provide a short title; to provide for purposes; to provide for definitions; to provide for the establishment of a children's health insurance program; to provide for administration and financing; to provide for duties of the Insurance Department and other departments and agencies of the state; to provide for insurer provisions, eligibility provisions, and the scope of benefits; to provide for authority to enter into contracts; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children, is amended by adding at the end a new Article 13 immediately following Article 12 to read as follows:

"ARTICLE 13

49-5-270.

This article shall be known and may be cited as the 'Georgia Children's Health Insurance Program.'

49-5-271.

The purpose of this article is to create a state health insurance program eligible for payment under Section 2105 of the federal Social Security Act. The program will ex-

pand the health insurance options of targeted low-income children through the service of private health insurers meeting the requirements of Code Sections 49-5-274 and 49-5-276 that contract with the department to provide targeted low-income children with health insurance coverage.

49-5-272.

As used in this article, the term:

- (1) 'Child' means a natural person less than 19 years of age who is a resident of this state.
- (2) 'Creditable health coverage' has the meaning given the term 'creditable coverage' under Section 2701(c) of the federal Public Health Service Act, 42 U.S.C. 300gg(c), and includes coverage that meets the requirements of Section 2103 of the federal Social Security Act provided to a targeted low-income child under this article or under a waiver approved under Section 2105(c)(2)(B) of the federal Social Security Act, relating to a direct service waiver.
- (3) 'Department' means the Insurance Department.
- (4) 'Group health plan' has the meaning given such term under Section 2791 of the federal Public Health Service Act, 42 U.S.C. 300gg-91.
- (5) 'Health insurance coverage' has the meaning given such term under Section 2791(b)(1) of the federal Public Health Service Act, 42 U.S.C. 300gg-91.
- (6) 'Low-income child' means a child whose family income is at or below 200 percent of poverty.
- (7) 'Participating insurer' means any entity licensed to provide health insurance in this state that has contracted with the department to offer health insurance coverage to targeted low-income children pursuant to this article.
- (8) 'Poverty' has the meaning given such term in Section 673(2) of the federal Community Service Block Grant Act, 42 U.S.C. 9902(2), including any revision in such section.
- (9) 'Preexisting condition exclusion' has the meaning given such term in Section 2701(b)(1)(A) of the federal Public Health Service Act, 42 U.S.C. 300gg(b)(1)(A).
- (10) 'Qualified child health plan' means health insurance coverage provided by a participating insurer consistent with Code Section 49-5-276.
- (11) 'State Medicaid office' means the Georgia office responsible for administering Title XIX of the federal Social Security Act.
- (12)(A) 'Targeted low-income child' means a child, except as provided by subparagraph (B) of this paragraph, who:
 - (i) Has been determined eligible by this state under this article;
 - (ii)(I) Is a low-income child; or
(II) Is a child whose family income exceeds the Medicaid-applicable income level of this state by not more than 50 percentage points; and
 - (iii) Is not found to be eligible for Medicaid or covered under a group health plan or under health insurance coverage. This does not include a health insurance coverage program offered by this state that receives no federal funds and that has been in operation since before July 1, 1997.
- (B) Such term does not include:

- (i) A child who is an inmate of a public institution or a patient in an institution or a patient in an institution for mental diseases; or
- (ii) A child who is a member of a family that is eligible for health benefits coverage under a state employee health benefits plan.

49-5-273.

- (a) The state shall prepare a state children's health insurance program for submission to the secretary of the United States Department of Health and Human Services by July 1, 1999.
- (b) The department shall enter into contracts with at least two insurers and at least two health maintenance organizations that offer a qualified child health plan.
- (c) The state Medicaid office shall be responsible for certifying the eligibility of children for the state children's health insurance program.
- (d) Upon notice of enrollment of a targeted low-income child in a qualified child health plan, the department shall forward the annual negotiated cost of insuring each targeted low-income child to the appropriate participating insurer.
- (e) In no event shall more than 10 percent of federal and state funds be used for:
 - (1) Other children's health programs for targeted low-income children;
 - (2) Initiatives for improving the health of children, including targeted low-income and other low-income children;
 - (3) Outreach activities that inform families of children who are likely to be eligible for this program or other public or private health coverage programs or for coordination of the administration of this program with other public and private health insurance programs; and
 - (4) Other reasonable costs incurred by the state to administer the program.

49-5-274.

- (a) To be eligible for the state payment, a participating insurer shall offer a qualified child health plan to eligible children without regard to health status and without the imposition of a preexisting condition exclusion, except that a preexisting condition exclusion may be applied if the qualified child health plan is provided through a group health plan or group health insurance coverage, consistent with the limitations on the imposition of preexisting condition exclusions in connection with such coverage under state and federal law.
- (b) Premium and cost-sharing amounts are limited to the following:
 - (1) No deductible, coinsurance, or other cost sharing is permitted with respect to benefits for well-baby and well-child care including age-appropriate immunizations;
 - (2) For children whose family income is at or below 150 percent of poverty:
 - (A) Premiums, enrollment fees, or similar charges may not exceed the maximum monthly charge permitted consistent with standards established to carry out Section 1916(b)(1) of the federal Social Security Act; and
 - (B) Deductibles and other cost sharing shall not exceed an amount that is nominally consistent with standards provided under Section 1916(a)(3) of the federal Social Security Act, as adjusted; and
 - (3) For children whose family income is more than 150 percent of poverty, premiums, deductibles, and other cost sharing may be imposed on a sliding scale related

to income, provided that the total annual aggregate cost sharing with respect to all targeted low-income children in a family under this article shall not exceed 5 percent of such family's income for the year involved.

(c) Existing health insurance sales and marketing methods, including the use of agents and payment of commissions, shall be utilized to inform families of the availability of the Georgia children's health insurance program and assist them in obtaining coverage for children under the program.

49-5-275.

(a) Targeted low-income children shall be eligible for coverage with a participating insurer regardless of health status.

(b) Eligible children shall be allowed to change enrollment between participating insurers upon the annual coverage renewal date, provided that at least six months' notice of an election to change enrollment is provided to the participating insurer with which the child is currently enrolled. The notice provision shall be reduced to 60 days if the child has changed residence to an area outside the geographic service area of the participating insurer with which the child is currently enrolled.

49-5-276.

A qualified health plan shall contain benefits consistent with either paragraph (1), (2), or (3) of this Code section; provided, however, nothing in this article shall be construed to prevent a qualified child health plan from offering a category of benefits that are not specified in this Code section:

(1) Health insurance coverage equivalent to one of the following:

(A) The standard Blue Cross/Blue Shield preferred provider option under the federal Employees Health Benefit Plan, 5 U.S.C. 8903(1);

(B) A health benefits coverage plan that is offered and generally available to state employees; or

(C) Health insurance coverage offered by the health maintenance organization that has the largest insured commercial, non-Medicaid enrollment of covered lives in this state;

(2)(A) Health insurance coverage that has an aggregate actuarial value at least equivalent to subparagraph (A), (B), or (C) of paragraph (1) of this Code section and that includes coverage for the following basic services:

(i) Inpatient and outpatient hospital services;

(ii) Physicians' surgical and medical services;

(iii) Laboratory and X-ray services; and

(iv) Well-baby and well-child care, including age-appropriate immunizations.

(B) Health insurance coverage based on actuarial equivalence for basic services, as described in subparagraph (A) of this paragraph, may provide the following additional services if the coverage for such services has an actuarial value of at least 75 percent of the actuarial value of the coverage provided in that category of services in such package:

(i) Coverage of prescription drugs;

(ii) Mental health services;

(iii) Vision services; and

(iv) Hearing services; and

(3) Upon application by this state, any other health insurance coverage that has been approved by the United States secretary of health and human services.”

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

On the adoption of the substitute, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blitch	N	Harbison	N	Ragan
N	Boshears	N	Henson	EX	Ralston
N	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
	Brown, 26th	N	Huggins	N	Scott
Y	Brush	EX	James	N	Starr
Y	Burton	N	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks	N	Kemp	N	Tanksley
Y	Clay	Y	Lamutt	N	Taylor
Y	Crotts	N	Land	Y	Thomas,D
N	Dean	N	Langford	N	Thomas,N
Y	Egan	N	Madden	N	Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	Y	Tysinger
EX	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the substitute, the yeas were 17, nays 35, and the Gochenour, et al. substitute was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	N	Egan	N	Johnson,E
N	Balfour	Y	Fort	Y	Kemp
Y	Blitch	Y	Gillis	N	Lamutt
Y	Boshears	EX	Glanton	Y	Land
Y	Bowen	N	Gochenour	Y	Langford
Y	Broun, 46th	Y	Griffin	Y	Madden
	Brown, 26th	N	Guhl	Y	Marable
N	Brush	Y	Harbison	Y	Middleton
N	Burton	Y	Henson	Y	Oliver
Y	Cagle	Y	Hill	Y	Perdue
Y	Cheeks	Y	Hooks	N	Price,R
N	Clay	Y	Huggins	N	Price,T
N	Crotts	EX	James	Y	Ragan
Y	Dean	Y	Johnson,D	EX	Ralston

Y Ray	Y Streat	Y Thompson
N Roberts	N Tanksley	Y Turner
Y Scott	Y Taylor	N Tysinger
Y Starr	Y Thomas,D	Y Walker
Y Stokes	Y Thomas,N	

On the passage of the bill, the yeas were 37, nays 15.

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

Senator Dean of the 31st moved that SB 410 be immediately transmitted to the House.

On the motion, the yeas were 41, nays 1; the motion prevailed, and SB 410 was immediately transmitted.

Senator Griffin of the 25th introduced Dr. Rosemary De Paolo, President of Georgia College and State University, who addressed the Senate briefly.

Senator Hill of the 4th introduced the doctor of the day, Dr. Joe Ratchford of Springfield, Georgia.

Senator Starr of the 44th assumed the Chair.

The Calendar was resumed.

SB 421. By Senators Perdue of the 18th, Marable of the 52nd, Madden of the 47th and others:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile court proceedings, so as to define a term; to limit access to juvenile fingerprint records to the administration of criminal justice; to require that all children charged with acts which would be a felony if committed by an adult be fingerprinted and photographed; to authorize fingerprinting a juvenile if latent fingerprints are found at a crime scene under certain circumstances.

The Senate Committee on Corrections, Correctional Institutions, and Property offered the following amendment:

Amend SB 421 by inserting before the word "Code" on line 10 of page 5 the following:

"subsection (c) of"

On the adoption of the amendment, the yeas were 30, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Cagle	EX Glanton
Y Balfour	Y Cheeks	Y Gochenour
Y Blicht	Clay	Y Griffin
Y Boshears	Y Crofts	Y Guhl
Y Bowen	Dean	Y Harbison
Broun, 46th	Y Egan	Y Henson
Brown, 26th	Y Fort	Y Hill
Y Brush	Y Gillis	Y Hooks
Y Burton		Y Huggins

EX James	Y Oliver	Y Stokes
Y Johnson,D	Y Perdue	Y Streat
Y Johnson,E	Price,R	Y Tanksley
Y Kemp	Y Price,T	Y Taylor
Y Lamutt	Y Ragan	Y Thomas,D
Y Land	EX Ralston	Y Thomas,N
Langford	Y Ray	Y Thompson
Y Madden	Y Roberts	Turner
Y Marable	Y Scott	Y Tysinger
Y Middleton	Starr (PRS)	Walker

On the passage of the bill, the yeas were 44, nays 0.

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

At 12:02 P.M., Senator Dean of the 31st moved that the Senate stand in recess until 5:00 P.M., and at that time, pursuant to HR 810, adjourn until 10:00 A.M. Monday, February 2, 1998; the motion prevailed.

At 5:00 P.M. the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Monday, February 2, 1998
Eleventh Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of Friday, January 30, 1998 proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1397. By Representative Smith of the 102nd:

A bill to amend an Act to change the compensation of the sheriff of Harris County from a fee system to a salary system, so as to authorize the governing authority to pay to the sheriff of Harris County a salary supplement of up to \$5,500.00 per year.

HB 1398. By Representative Smith of the 102nd:

A bill to amend an Act to abolish the offices of tax receiver and tax collector of Harris County and consolidate said offices into the office of tax commissioner of Harris County, so as to authorize the governing authority to pay to the tax commissioner of Harris County a salary supplement of up to \$3,900.00 per year.

HB 1399. By Representative Smith of the 102nd:

A bill to amend an Act to provide that the ordinary of Harris County be placed on a salary basis in lieu of a fee basis, so as to authorize the governing authority to pay to the probate judge of Harris County a salary supplement of up to \$4,100.00 per year.

HB 1400. By Representative Smith of the 102nd:

A bill to amend an Act to provide that the clerk of the superior court of Harris County be placed on a salary basis in lieu of a fee basis, so as to authorize the governing authority to pay to the clerk of the superior court of Harris County a salary supplement of up to \$4,600.00 per year.

HB 1407. By Representatives McClinton of the 68th, Polak of the 67th, Mobley of the 69th and others:

A bill to amend an Act creating a new charter for the City of Decatur in DeKalb County, so as to repeal certain duties and powers of the city manager with respect to educational affairs.

The House has adopted, by substitute, by the requisite constitutional majority the following resolution of the Senate:

- SR 477. By Senators Walker of the 22nd, Perdue of the 18th, Stokes of the 43rd and others:
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A resolution creating the Bipartisan Joint Commission on Parole Abolition and Sentencing Reform.

The following bills were introduced, read the first time and referred to committees:

- SB 553. By Senator Thompson of the 33rd:

A bill to amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, and Chapter 7 of Title 46 of the Official Code of Georgia Annotated, relating to motor carriers, so as to transfer certain law enforcement functions from the Public Service Commission to the Department of Public Safety; to create within the Department of Public Safety the Commercial Vehicle Safety Division.

Referred to Committee on Public Safety.

- SB 554. By Senator Thompson of the 33rd:

A bill to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to change certain provisions relating to alternative fueled vehicle license plates.

Referred to Committee on Transportation.

- SB 555. By Senator Thompson of the 33rd:

A bill to amend Code Section 50-29-4 of the Official Code of Georgia Annotated, relating to the creation of the Information Technology Policy Council, so as to amend the membership of such council; to provide an effective date.

Referred to Committee on Science, Technology and Industry.

- SB 556. By Senator Thompson of the 33rd:

A bill to amend Article 4 of Chapter 8 of Title 50 of the Official Code of Georgia Annotated, relating to metropolitan area planning and development commissions, so as to change the membership of such commissions; to provide for service by certain mayors.

Referred to Committee on State and Local Governmental Operations (General).

- SB 557. By Senators Land of the 16th and Cagle of the 49th:

A bill to amend Code Section 34-8-150 of the Official Code of Georgia Annotated, relating to the payment of unemployment compensation contributions by employers, so as to waive payment of certain de minimis contributions.

Referred to Committee on Insurance and Labor.

- SB 558. By Senators Burton of the 5th and Hill of the 4th:

A bill to amend Code Section 47-3-127 of the Official Code of Georgia Annotated, relating to the effect of restoration to service upon a beneficiary of the Teachers Retirement System of Georgia, so as to clarify the meaning of the term "restoration to service"; to provide that an employer which employs a beneficiary of such retirement system under certain circumstances shall reimburse the retirement system for benefits wrongfully paid to the beneficiary.

Referred to Committee on Retirement.

SB 559. By Senators Gochenour of the 27th and Tysinger of the 41st:

A bill to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to the general provisions relating to the General Assembly, so as to authorize the General Assembly to introduce, consider, and adopt certain jointly sponsored privileged resolutions; to provide for the manner of introducing and acting upon such resolutions; to provide an effective date.

Referred to Committee on Rules.

SB 560. By Senators Hooks of the 14th, Starr of the 44th, Scott of the 36th and others:

A bill to amend Code Section 31-22-4 of the Official Code of Georgia Annotated, relating to clinical laboratory examination of human specimens, so as to provide for a quality assurance program.

Referred to Committee on Health and Human Services.

SB 561. By Senators Perdue of the 18th, Thomas of the 10th, Hill of the 4th and others:

A bill to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to local government entities, so as to enact the "Local Government Authorities Sunset Act"; to state legislative intent; to provide for a mechanism to allow for the sunset of local government authorities; to provide for the reporting of such actions to the Department of Community Affairs and the Secretary of State.

Referred to Committee on State and Local Governmental Operations (General).

SB 562. By Senators Hill of the 4th, Langford of the 29th, Kemp of the 3rd and others:

A bill to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide that no policy of insurance issued or delivered in this state covering any loss, damage, expense, or liability shall exclude or deny coverage because the insured, members of the insured's family, or employees of the insured will keep or carry in a lawful manner firearms on the property or premises of the insured.

Referred to Committee on Insurance and Labor.

SR 559. By Senator Thompson of the 33rd:

A resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide by general law for a roadside enhancement and beautification fund, for allocation and dedication of certain revenue to such fund, and that moneys paid into the fund shall not lapse; to provide that an Act creating the fund and making such provisions may originate in the Senate or the House of Representatives.

Referred to Committee on Transportation.

SR 560. By Senator Thompson of the 33rd:

A resolution authorizing the leasing of certain real property owned by the State of Georgia in Cobb County, Georgia; authorizing the conveyance of certain real property owned by the State of Georgia in Cobb County, Georgia; to provide an effective date.

Referred to Committee on Finance and Public Utilities.

SR 563. By Senator Gochenour of the 27th:

A resolution amending the Rules of the Senate.

Referred to Committee on Rules.

SR 564. By Senators Perdue of the 18th, Thomas of the 10th, Hill of the 4th and others:

A resolution proposing an amendment to the Constitution of the State of Georgia so as to provide for the creation of multijurisdictional service commissions; to provide for the submission of this amendment for ratification or rejection.

Referred to Committee on State and Local Governmental Operations (General).

SR 566. By Senators Oliver of the 42nd and Boshears of the 6th:

A resolution creating the Senate Study Committee on Cable TV.

Referred to Committee on Rules.

The following bills were read the first time and referred to committee:

HB 1397. By Representative Smith of the 102nd:

A bill to amend an Act to change the compensation of the sheriff of Harris County from a fee system to a salary system, so as to authorize the governing authority to pay to the sheriff of Harris County a salary supplement of up to \$5,500.00 per year.

Referred to Committee on State and Local Governmental Operations.

HB 1398. By Representative Smith of the 102nd:

A bill to amend an Act to abolish the offices of tax receiver and tax collector of Harris County and consolidate said offices into the office of tax commissioner of Harris County, so as to authorize the governing authority to pay to the tax commissioner of Harris County a salary supplement of up to \$3,900.00 per year.

Referred to Committee on State and Local Governmental Operations.

HB 1399. By Representative Smith of the 102nd:

A bill to amend an Act to provide that the ordinary of Harris County be placed on a salary basis in lieu of a fee basis, so as to authorize the governing authority to pay to the probate judge of Harris County a salary supplement of up to \$4,100.00 per year.

Referred to Committee on State and Local Governmental Operations.

HB 1400. By Representative Smith of the 102nd:

A bill to amend an Act to provide that the clerk of the superior court of Harris County be placed on a salary basis in lieu of a fee basis, so as to authorize the governing authority to pay to the clerk of the superior court of Harris County a salary supplement of up to \$4,600.00 per year.

Referred to Committee on State and Local Governmental Operations.

HB 1407. By Representatives McClinton of the 68th, Polak of the 67th, Mobley of the 69th and others:

A bill to amend an Act creating a new charter for the City of Decatur in DeKalb County, so as to repeal certain duties and powers of the city manager with respect to educational affairs.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 517. Do pass as amended.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Rules has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 535. Do pass.

Respectfully submitted,

Senator Scott of the 36th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 417. Do pass.

SB 502. Do pass.

SB 501. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolutions were read the second time:

SB 79	SB 420	SB 427	SB 437	SB 471	SB 489
SB 522	SR 368	SR 490	SR 492	HB 886	

Senator Dean of the 31st moved that Senator Cheeks of the 23rd be excused. On the motion, the yeas were 34, nays 0; the motion prevailed, and Senator Cheeks was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Balfour	Crotts	Harbison
Blicht	Dean	Henson
Boshears	Egan	Hill
Broun, 46th	Fort	Hooks
Brown, 26th	Gillis	Huggins
Brush	Glanton	James
Burton	Gochenour	Johnson,D
Cagle	Griffin	Johnson,E
Clay	Guhl	Kemp

Lamutt	Ragan	Tanksley
Land	Ralston	Taylor
Langford	Ray	Thomas,D
Madden	Roberts	Thomas,N
Marable	Scott	Thompson
Middleton	Starr	Turner
Oliver	Stokes	Tysinger
Price,R	Streat	Walker
Price,T		

Those not answering were:

Abernathy	Cheeks (excused)
Bowen	Perdue(PRS)

Senator Walker of the 22nd led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Walker of the 22nd introduced the chaplain of the day, Reverend Roy Myles, Deliverance Baptist Church, Augusta, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 565. By Senator Ragan of the 11th:

A resolution commending Larry Rawlins.

SR 568. By Senators Gillis of the 20th, Marable of the 52nd, Starr of the 44th and others:

A resolution commending Robert Cook, Georgia Artist of the Year.

Senator Crofts of the 17th moved that the following bill be withdrawn from the Judiciary Committee and committed to the Public Safety Committee.

SB 476. By Senators Crofts of the 17th, Dean of the 31st, Glanton of the 34th and others:

A bill to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification as a defense to criminal prosecution, so as to provide for threats and use of force in defense of dwellings, places of business, and motor vehicles; to provide for criminal and civil immunity.

On the motion, the yeas were 36, nays 0; the motion prevailed, and SB 476 was committed to the Public Safety Committee.

The following local, uncontested bills of the Senate, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Monday, February 2, 1998

ELEVENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 417 Kemp, 3rd
Boshears, 6th
GLYNN COUNTY

A bill to provide for the nonpartisan nomination and election of the clerk of the State Court of Glynn County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

SB 501 Lamutt, 21st
Thompson, 33rd
Tanksley, 32nd
Clay, 37th
Abernathy, 38th
COBB COUNTY

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, as amended, so as to provide for a change in the compensation of the judges of the Juvenile Court of Cobb County; to provide for related matters; to provide for an effective date.

SB 502 Cagle, 49th
HALL COUNTY
CITY OF GAINESVILLE
CITY OF BUFORD

A bill to provide for an alternative method of distribution of the net proceeds of the sales and use tax for educational purposes authorized under Article VIII, Section VI, Paragraph IV of the Constitution among the Hall County School District, City of Gainesville Independent School District, and the City of Buford Independent School District.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Glanton	Y Middleton
Y Balfour	Y Gochenour	Y Oliver
Y Blitch	Y Griffin	Perdue(PRS)
Y Boshears	Y Guhl	Y Price,R
Y Bowen	Y Harbison	Y Price,T
Y Broun, 46th	Y Henson	Y Ragan
Y Brown, 26th	Y Hill	Y Ralston
Y Brush	Y Hooks	Ray
Y Burton	Y Huggins	Y Roberts
Y Cagle	James	Scott
EX Cheeks	Y Johnson,D	Starr
Y Clay	Y Johnson,E	Y Stokes
Y Crotts	Y Kemp	Y Streat
Y Dean	Y Lamutt	Y Tanksley
Y Egan	Y Land	Y Taylor
Y Fort	Y Langford	Y Thomas,D
Y Gillis	Y Madden	Y Thomas,N
	Y Marable	Y Thompson

Y Turner

Y Tysinger
Walker

On the passage of the local bills, the yeas were 49, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

SENATE RULES CALENDAR

Monday, February 2, 1998
ELEVENTH LEGISLATIVE DAY

- SB 326 Pardons and Paroles, Corrections Employees-disability benefits (Substitute)(Ret-18th)
- (Pursuant to Senate Rule 143, final passage of the bill was suspended on January 30, 1998.)
- SB 423 Claims Advisory Board-exclude certain small claims payments (Corr-31st)
- SB 449 Pardons and Paroles Board-offenders pay fee to providers for services (Amendment)(Corr-31st)
- SR 481 DeKalb County-conveyance of certain state owned property (Amendment)(F&PU-41st)
- SR 488 Coffee County-conveyance of certain state owned property (F&PU-19th)
- SR 489 White County-conveyance of certain state owned property (F&PU-50th)
- SR 493 Baldwin County Property Conveyance-property under Juvenile Justice Department (F&PU-25th)
- SR 494 Baldwin County Property Conveyance-to Baldwin County Red Cross (F&PU-25th)
- SR 496 Baldwin County Property Conveyance-sale of houses and tracts (F&PU-25th)
- SB 496 Land, Water and Wildlife Heritage Fund-create (Nat R-14th)
- SR 532 CA: Land, Water, and Wildlife Heritage Fund-create (Nat R-14th)

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

Senator Gillis of the 20th assumed the Chair.

The following general bill of the Senate, having been read the third time and final action suspended on January 30, pursuant to Senate Rule 143, and placed on the Senate Rules Calendar for today, was continued upon its passage:

SB 326. By Senator Perdue of the 18th:

A bill to amend Code Section 47-2-221 of the Official Code of Georgia Annotated, relating to disability benefits payable to certain law enforcement officers

disabled in the line of duty, so as to provide for such disability benefits for certain employees of the State Board of Pardons and Paroles and the Department of Corrections; to provide conditions for an effective date and automatic repeal.

The substitute offered by Senators Perdue of the 18th, Cheeks of the 23rd and Dean of the 31st on January 30, as it appears in the Journal of January 30, was automatically reconsidered.

On the adoption of the substitute, the yeas were 38, nays 0, and the Perdue, et al. substitute was adopted.

Senator Thompson of the 33rd moved that he be excused from voting on SB 326 pursuant to Senate Rule 175. On the motion, the yeas were 40, nays 0, and Senator Thompson was excused.

The report of the committee, which was favorable to the passage of the bill, was agreed to by substitute.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Gillis (PRS)	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator James was excused.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

The following general bills were read the third time and put upon their passage:

SB 423. By Senators Dean of the 31st, Marable of the 52nd, Guhl of the 45th and Gillis of the 20th:

A bill to amend Article 4 of Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to the Claims Advisory Board, so as to exclude certain

small claims from payment by the Claims Advisory Board and the state department or agency affected.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison		Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
EX	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue (PRS)		

On the passage of the bill, the yeas were 50, nays 0.

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

SB 449. By Senators Dean of the 31st, Marable of the 52nd, Guhl of the 45th and Streat of the 19th:

A bill to amend Article 1 of Chapter 9 of Title 42 of the Official Code of Georgia Annotated, relating to general provisions applicable to pardons and paroles, so as to provide that the State Board of Pardons and Paroles is authorized to require as a condition of relief that offenders pay directly to providers a reasonable fee for approved services and programs; to provide an effective date.

The Senate Corrections, Correctional Institutions and Property Committee offered the following amendment:

Amend SB 449 by striking from line 25 of page 1 the word "nonsectarian" and inserting in lieu thereof the following:

"nonsectarian any other"

On the adoption of the amendment, the yeas were 37, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue (PRS)	

On the passage of the bill, the yeas were 52, nays 0.

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

SR 481. By Senator Tysinger of the 41st:

A resolution authorizing the conveyance of certain state owned real property located in DeKalb County, Georgia; to provide an effective date.

Senator Tysinger of the 41st offered the following amendment:

Amend SR 481 by adding on line 14 of page 2 between the word "County" and the word "by" the following:

”, which shall not be required to comply with the provisions of subsection (f) of Code Section 36-60-13 of the O.C.G.A.”

On the adoption of the amendment, the yeas were 37, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Crotts	Y Hooks
Y Balfour	Y Dean	Y Huggins
Y Blitch	Y Egan	EX James
Y Boshears	Y Fort	Y Johnson,D
Y Bowen	Y Gillis	Y Johnson,E
Y Broun, 46th	Y Glanton	Y Kemp
Y Brown, 26th	Y Gochenour	Y Lamutt
Y Brush	Y Griffin	Y Land
Y Burton	Y Guhl	Y Langford
Y Cagle	Y Harbison	Y Madden
EX Cheeks	Y Henson	Y Marable
Y Clay	Y Hill	Y Middleton

Y Oliver	Y Roberts	Y Thomas,D
Perdue (PRS)	Scott	Y Thomas,N
Y Price,R	Y Starr	Y Thompson
Y Price,T	Y Stokes	Y Turner
Y Ragan	Y Streat	Y Tysinger
Y Ralston	Y Tanksley	Y Walker
Y Ray	Y Taylor	

On the adoption of the resolution, the yeas were 52, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended.

SR 488. By Senator Streat of the 19th:

A resolution authorizing the conveyance of certain state owned real property located in Coffee County, Georgia.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue (PRS)	

On the adoption of the resolution, the yeas were 51, nays 0.

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

The President assumed the Chair.

SR 489. By Senator Middleton of the 50th:

A resolution authorizing the conveyance of certain state owned real property located in White County, Georgia, to Sidney W. Shortt and Sherry E. Shortt and the acceptance of certain real property owned by Sidney W. Shortt and Sherry E. Shortt in consideration therefor; to provide an effective date.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
EX	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue		

On the adoption of the resolution, the yeas were 50, nays 0.

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

SR 493. By Senator Griffin of the 25th:

A resolution authorizing the conveyance of certain state owned real property located in Baldwin County, Georgia.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
EX	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 53, nays 0.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted, by substitute, by the requisite constitutional majority the following resolution of the Senate:

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A resolution proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection.

The following resolution was read and adopted:

SR 561. By Senator Ralston of the 51st:

A resolution recognizing Mr. Bernie Hodgkins for his service to the youth of his community.

Senator Ralston of the 51st introduced Mr. Bernie Hodgkins who addressed the Senate briefly.

The Calendar was resumed.

SR 494. By Senator Griffin of the 25th:

A resolution authorizing the conveyance of certain state owned real property located in Baldwin County, Georgia.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Glanton	Middleton
Y Balfour	Y Gochenour	Y Oliver
Y Blitch	Y Griffin	Y Perdue
Y Boshears	Y Guhl	Y Price,R
Y Bowen	Y Harbison	Y Price,T
Y Broun, 46th	Y Henson	Y Ragan
Y Brown, 26th	Y Hill	Y Ralston
Y Brush	Y Hooks	Y Ray
Y Burton	Y Huggins	Y Roberts
Y Cagle	EX James	Y Scott
EX Cheeks	Y Johnson,D	Y Starr
Y Clay	Y Johnson,E	Y Stokes
Y Crotts	Y Kemp	Y Streat
Y Dean	Y Lamutt	Y Tanksley
Y Egan	Y Land	Y Taylor
Y Fort	Langford	Y Thomas,D
Y Gillis	Y Madden	Thomas,N
	Y Marable	Y Thompson

Y Turner
 Y Tysinger
 Y Walker

On the adoption of the resolution, the yeas were 51, nays 0.

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

Senator Crotts of the 17th moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 29, nays 1; the motion prevailed, and Senator Ralston was excused.

Senator Thompson of the 33rd moved that Senator Ray of the 48th be excused. On the motion, the yeas were 29, nays 2; the motion prevailed, and Senator Ray was excused.

The Calendar was resumed.

SR 496. By Senator Griffin of the 25th:

A resolution authorizing the conveyance of certain state owned real properties located in Baldwin County, Georgia.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	EX Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 48, nays 0.

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

SB 496. By Senators Hooks of the 14th, Clay of the 37th, Walker of the 22nd and others:

A bill to amend Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic areas, memorials, and recreation, so as to create the Land, Water, and Wildlife Heritage Fund; to provide for definitions; to provide for the administration of the heritage fund; to provide for authorized expenditures from the heritage fund; to provide for the funding of the heritage fund by an increase in the real estate transfer tax.

Senators Hooks of the 14th and Egan of the 40th offered the following amendment :
 Amend SB 496 by striking on line 19 of page 3 the words "one-half of", and
 by striking on line 20 of page 3 the word "proceeds", and
 by inserting on line 19 of page 3 following the word "from" the words "any increase
 in", and
 by inserting on line 20 of page 3 before the word "of" the word "rate"

On the adoption of the amendment, the yeas were 39, nays 1, and the Hooks, Egan amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
EX	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
N	Glanton	Y	Oliver		
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 51, nays 1.

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

SR 532. By Senators Hooks of the 14th, Clay of the 37th, Walker of the 22nd and others:

A RESOLUTION

Proposing an amendment to the Constitution so as to require the General Assembly to provide by law for the creation of a Land, Water, and Wildlife Heritage Fund from which funds shall be disbursed for the purpose of acquiring, conserving, managing, or preserving Georgia's natural and historic areas, water resources, and wildlife habitats; to provide for payments into the fund; to provide for the applicability of certain provisions of the Constitution; 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 ~~III, Section IX, Paragraph~~ VI of the Constitution is amended by adding at the end thereof a new subparagraph (k) to read as follows:

“(k) The General Assembly is required to provide by law for the creation of a Land, Water, and Wildlife Heritage Fund from which funds shall be disbursed for the purpose of acquiring, conserving, managing, or preserving Georgia’s natural and historic areas, water resources, and wildlife habitats. The General Assembly shall provide by law for a portion of the moneys derived from the real estate transfer tax to be transferred to the fund. The General Assembly shall also provide by general law for the dedication and deposit into the fund of revenues raised from specific sources for the purposes of the fund. The General Assembly shall appropriate moneys to such fund and such moneys paid into the fund shall not be subject to the provisions of Article III, Section IX, Paragraph IV(c), relative to lapsing of funds, or of Article VII, Section III, Paragraph II, relative to funds paid into the state treasury.”

SECTION 2.

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 be amended so as to require the General Assembly to provide by law for the creation of a Land, Water, and
- () NO Wildlife Heritage Fund from which funds shall be disbursed for the purpose of acquiring, conserving, managing, or preserving Georgia’s natural and historic areas, water resources, and wildlife habitats?”

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 and shall take effect as provided in Article X, Section I, Paragraph VI of the Constitution.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Egan	Y Johnson,E
Y Balfour	Y Fort	Y Kemp
Y Blitch	Y Gillis	Y Lamutt
Y Boshears	N Glanton	Y Land
Y Bowen	Y Gochenour	Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Y Brush	Y Harbison	Y Middleton
Y Burton	Y Henson	Y Oliver
Y Cagle	Y Hill	Y Perdue
EX Cheeks	Y Hooks	Y Price,R
Y Clay	Y Huggins	Y Price,T
Y Crotts	EX James	Y Ragan
Y Dean	Johnson,D	Y Ralston

Y Ray	Y Streat	Y Thompson
Y Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Y Walker
Y Stokes	Y Thomas,N	

On the adoption of the resolution, the yeas were 51, nays 1.

The resolution, having received the requisite two-thirds constitutional majority, was adopted.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 338. By Representatives Cummings of the 27th and Shanahan of the 10th:

A bill to amend Code Section 47-7-100 of the Official Code of Georgia Annotated, relating to eligibility for pension benefits under the Georgia Firemen's Pension Fund, so as to provide that the surviving spouse of a member of such pension fund who is vested but not yet retired shall be entitled to receive a pension benefit; to provide a survivor's option in the event of the death of any such member not survived by a spouse.

The following resolution was taken up to consider House action thereto:

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A resolution proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection.

The House substitute to SR 463 was as follows:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the General Assembly shall have the authority and the duty to limit by law the powers of the State Board of Pardons and Paroles, so that persons convicted of crimes to be specified by the General Assembly which are committed on or after July 1, 1999, shall be rendered ineligible for parole and may be rendered ineligible for any or all other forms of executive clemency; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IV, Section II, Paragraph II of the Constitution is amended by inserting at the end thereof a new subparagraph (f) to read as follows:

"(f) The General Assembly shall have the authority and the duty to limit by law the powers of the State Board of Pardons and Paroles, so that persons convicted of crimes to be specified by the General Assembly which are committed on or after July 1, 1999,

shall be rendered ineligible for parole and may be rendered ineligible for any or all other forms of executive clemency.”

SECTION 2.

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 be amended so as to provide that the General Assembly shall have the authority and the duty to limit by
- () NO law the powers of the State Board of Pardons and Paroles, so that persons convicted of crimes to be specified by the General Assembly which are committed on or after July 1, 1999, shall be rendered ineligible for parole and may be rendered ineligible for any or all other forms of executive clemency?”

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 and shall take effect as provided in Article X, Section I, Paragraph VI of the Constitution.

Senator Perdue of the 18th moved that the Senate agree to the House substitute. On the motion, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blitch	Y Harbison	Y Ragan
N Boshears	Y Henson	N Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	N Roberts
N Brown, 26th	Y Huggins	Y Scott
N Brush	EX James	Y Starr
N Burton	Y Johnson,D	Y Stokes
N Cagle	N Johnson,E	Y Streat
EX Cheeks	Y Kemp	N Tanksley
N Clay	N Lamutt	Y Taylor
N Crotts	N Land	N Thomas,D
Y Dean	Y Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
N Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	N Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Y Perdue	

On the motion, the yeas were 30, nays 24; the motion lost, and the Senate did not agree to the House substitute to SR 463.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

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HB 464. By Representatives Buck of the 135th, Barnes of the 33rd, Coleman of the 142nd and others:

A bill to amend Code Section 47-16-101 of the Official Code of Georgia Annotated, relating to retirement benefit options under the Sheriffs' Retirement Fund of Georgia, so as to increase the retirement benefits; to provide that the retirement benefits of a retired member who selected a spouse's survivor option and whose spouse predeceases him or her shall be increased.

HB 1081. By Representative Cummings of the 27th:

A bill to amend Code Section 47-3-121 of the Official Code of Georgia Annotated, relating to optional retirement allowances under the Teachers Retirement System of Georgia, so as to provide that upon the death of a designated recipient of continued benefits as elected by a retired member, the retired member may cancel the previous election and begin receiving a regular benefit.

HB 571. By Representative Lee of the 94th:

A bill to amend Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Clerks' Retirement Fund of Georgia, so as to provide that the board of trustees of such retirement system may grant post retirement benefit increases under certain circumstances.

Serving as doctor of the day, was Dr. Hugh Smission of Macon, Georgia.

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:56 P.M. the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Tuesday, February 3, 1998
Twelfth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1439. By Representative Channell of the 111th:

A bill to provide for the nonpartisan nomination and election of the chief magistrate of the Magistrate Court of Oglethorpe County.

HB 1443. By Representatives Yates of the 106th and Sanders of the 107th:

A bill to amend an Act creating a board of commissioners of Spalding County, so as to change the residency requirements with respect to candidates for membership on the board.

HB 1164. By Representatives Walker of the 141st, Martin of the 47th, Murphy of the 18th and others:

A bill to provide that persons who have been found to have committed a serious violent felony shall not be afforded first offender treatment; to provide for legislative findings; to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedures for sentencing and imposition of punishment, so as to provide that provisions relating to probation of first offenders shall not be available to any person upon a verdict or plea of guilty to a serious violent felony.

HB 1419. By Representatives Walker of the 141st, Lee of the 94th, Reichert of the 126th and others:

A bill to amend Article 4 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to halls of fame, by repealing Part 1, relating to the Georgia Sports Hall of Fame, in its entirety; to amend Part 12 of Article 7 of Chapter 3 of Title 12, relating to the Sports Hall of Fame Authority, so as to change the provisions relating to the membership of the authority and terms of office of members.

HB 1222. By Representatives Martin of the 47th, Murphy of the 18th, Irvin of the 45th and others:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and construction of hospitals and other health care facilities, so as to change an exception to provisions for payments for

medical education to certain hospital authorities and designated teaching hospitals.

HB 1307. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to change the provisions relating to reporting of persons hired or returning to work.

HB 1169. By Representative Murphy of the 18th:

A bill to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to prohibit taxing costs of prosecution and assessing any other penalties, fees, or surcharges in addition to a fine against a person convicted of the offense of failure to wear a seat safety belt.

HB 1209. By Representatives Purcell of the 147th, Reaves of the 178th and Floyd of the 138th:

A bill to amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, known as the "Georgia Food Act," so as to change the provisions relating to the detention or embargo of adulterated or misbranded food.

HB 1212. By Representatives Purcell of the 147th, Reaves of the 178th and Floyd of the 138th:

A bill to amend Chapter 45 of Title 43 of the Official Code of Georgia Annotated, known as the "Structural Pest Control Act," so as to change the provisions relating to the membership of the State Structural Pest Control Commission.

HB 1211. By Representatives Floyd of the 138th, Reaves of the 178th and Purcell of the 147th:

A bill to amend Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to dealers in agricultural products, so as to change the provisions relating to breach of the conditions of the bond of a dealer in agricultural products and the provisions relating to breach of the conditions of the bond of a grain dealer.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 813. By Representatives Barnes of the 33rd and Murphy of the 18th:

A resolution honoring Honorable George T. Smith and designating a portion of Georgia Highways 112 and 93 as the "George T. Smith Highway".

The following bills were introduced, read the first time and referred to committees:

SB 563. By Senators Oliver of the 42nd and Langford of the 29th:

A bill to amend Article 7 of Chapter 13 of Title 9 of the Official Code of Georgia Annotated, relating to judicial sales, so as to provide that advertisements for judicial sales of real property shall include the legal description of the property; to repeal a provision requiring such ads to include the street address.

Referred to Committee on Judiciary.

SB 564. By Senator Brush of the 24th:

A bill to provide a new charter for the City of Grovetown; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority.

Referred to Committee on State and Local Governmental Operations.

SB 565. By Senators Hill of the 4th, Marable of the 52nd and Oliver of the 42nd:

A bill to amend Code Section 20-2-160 of the Official Code of Georgia Annotated, relating to student program counts, so as to change the provisions regarding program counts for students in the program established in Code Section 20-2-161.1.

Referred to Committee on Education.

SB 566. By Senators Hill of the 4th, Thomas of the 54th, Madden of the 47th and Middleton of the 50th:

A bill to amend Code Section 31-11-53.1 of the Official Code of Georgia Annotated, relating to the automatic defibrillator program, so as to provide for easier public access to automated external defibrillators; to provide an effective date.

Referred to Committee on Health and Human Services.

SB 567. By Senator Thompson of the 33rd:

A bill to amend Code Section 36-1-19.1 of the Official Code of Georgia Annotated, relating to appropriations for charitable grants or contributions in counties having a population of 400,000 or more, so as to authorize charitable grants or contributions by authorities established by the governing authority of any such county.

Referred to Committee on State and Local Governmental Operations (General).

The following bills were read the first time and referred to committees:

HB 338. By Representatives Cummings of the 27th and Shanahan of the 10th:

A bill to amend Code Section 47-7-100 of the Official Code of Georgia Annotated, relating to eligibility for pension benefits under the Georgia Firemen's Pension Fund, so as to provide that the surviving spouse of a member of such pension fund who is vested but not yet retired shall be entitled to receive a pension benefit; to provide a survivor's option in the event of the death of any such member not survived by a spouse.

Referred to Committee on Retirement.

HB 464. By Representatives Buck of the 135th, Barnes of the 33rd, Coleman of the 142nd and Hanner of the 159th:

A bill to amend Code Section 47-16-101 of the Official Code of Georgia Annotated, relating to retirement benefit options under the Sheriffs' Retirement Fund of Georgia, so as to increase the retirement benefits; to provide that the

retirement benefits of a retired member who selected a spouse's survivor option and whose spouse predeceases him or her shall be increased.

Referred to Committee on Retirement.

HB 571. By Representative Lee of the 94th:

A bill to amend Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Clerks' Retirement Fund of Georgia, so as to provide that the board of trustees of such retirement system may grant post retirement benefit increases under certain circumstances.

Referred to Committee on Retirement.

HB 1081. By Representative Cummings of the 27th:

A bill to amend Code Section 47-3-121 of the Official Code of Georgia Annotated, relating to optional retirement allowances under the Teachers Retirement System of Georgia, so as to provide that upon the death of a designated recipient of continued benefits as elected by a retired member, the retired member may cancel the previous election and begin receiving a regular benefit.

Referred to Committee on Retirement.

HB 1164. By Representatives Walker of the 141st, Martin of the 47th, Murphy of the 18th and others:

A bill to provide that persons who have been found to have committed a serious violent felony shall not be afforded first offender treatment; to provide for legislative findings; to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedures for sentencing and imposition of punishment, so as to provide that provisions relating to probation of first offenders shall not be available to any person upon a verdict or plea of guilty to a serious violent felony.

Referred to Committee on Judiciary.

HB 1169. By Representative Murphy of the 18th:

A bill to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to prohibit taxing costs of prosecution and assessing any other penalties, fees, or surcharges in addition to a fine against a person convicted of the offense of failure to wear a seat safety belt.

Referred to Committee on Judiciary.

HB 1209. By Representatives Purcell of the 147th, Reaves of the 178th and Floyd of the 138th:

A bill to amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, known as the "Georgia Food Act," so as to change the provisions relating to the detention or embargo of adulterated or misbranded food.

Referred to Committee on Consumer Affairs.

HB 1211. By Representatives Floyd of the 138th, Reaves of the 178th and Purcell of the 147th:

A bill to amend Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to dealers in agricultural products, so as to change the provisions relating to breach of the conditions of the bond of a dealer in agricultural products and the provisions relating to breach of the conditions of the bond of a grain dealer.

Referred to Committee on Agriculture.

HB 1212. By Representatives Purcell of the 147th, Reaves of the 178th and Floyd of the 138th:

A bill to amend Chapter 45 of Title 43 of the Official Code of Georgia Annotated, known as the "Structural Pest Control Act," so as to change the provisions relating to the membership of the State Structural Pest Control Commission.

Referred to Committee on Consumer Affairs.

HB 1222. By Representatives Martin of the 47th, Murphy of the 18th, Irvin of the 45th and others:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and construction of hospitals and other health care facilities, so as to change an exception to provisions for payments for medical education to certain hospital authorities and designated teaching hospitals.

Referred to Committee on Health and Human Services.

HB 1307. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to change the provisions relating to reporting of persons hired or returning to work.

Referred to Committee on Judiciary.

HB 1419. By Representatives Walker of the 141st, Lee of the 94th, Reichert of the 126th and others:

A bill to amend Article 4 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to halls of fame, by repealing Part 1, relating to the Georgia Sports Hall of Fame, in its entirety; to amend Part 12 of Article 7 of Chapter 3 of Title 12, relating to the Sports Hall of Fame Authority, so as to change the provisions relating to the membership of the authority and terms of office of members.

Referred to Committee on Economic Development, Tourism and Cultural Affairs.

HB 1439. By Representative Channell of the 111th:

A bill to provide for the nonpartisan nomination and election of the chief magistrate of the Magistrate Court of Oglethorpe County.

Referred to Committee on State and Local Governmental Operations.

HB 1443. By Representatives Yates of the 106th and Sanders of the 107th:

A bill to amend an Act creating a board of commissioners of Spalding County, so as to change the residency requirements with respect to candidates for membership on the board.

Referred to Committee on State and Local Governmental Operations.

HR 813. By Representatives Barnes of the 33rd and Murphy of the 18th:

A resolution honoring Honorable George T. Smith and designating a portion of Georgia Highways 112 and 93 as the "George T. Smith Highway"

Referred to Committee on Transportation.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Consumer Affairs has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 482. Do pass.

SB 537. Do pass by substitute.

SB 500. Do pass.

HB 1180. Do pass.

Respectfully submitted,

Senator Henson of the 55th District, Chairman

Mr. President:

The Committee on Defense and Veterans Affairs has had under consideration the following bill and resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 426. Do pass.

SR 474. Do pass.

Respectfully submitted,

Senator Harbison of the 15th District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 531. Do pass by substitute.

HB 1131. Do pass.

SB 533. Do pass by substitute.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 510. Do pass.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

- SB 446. Do pass by substitute.
- SB 514. Do pass.
- SB 481. Do pass by substitute.
- HB 844. Do pass.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

- SB 525. Do pass as amended.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

The following bill and resolution were read the second time:

- SB 517
- SR 535

The President called for the morning roll call, and the following Senators answered to their names:

Abernathy	Griffin	Price,T
Balfour	Harbison	Ragan
Blicht	Henson	Ralston
Boshears	Hooks	Ray
Bowen	Huggins	Roberts
Broun, 46th	James	Scott
Brown, 26th	Johnson,D	Starr
Brush	Johnson,E	Stokes
Burton	Kemp	Streat
Cagle	Lamutt	Tanksley
Cheeks	Land	Taylor
Crotts	Langford	Thomas,D
Dean	Madden	Thomas,N
Egan	Marable	Thompson
Fort	Middleton	Turner
Gillis	Oliver	Tysinger
Glanton	Perdue	Walker
Gochenour	Price,R	

Those not answering were:

Clay	Guhl	Hill
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The following resolution was read and adopted:

SR 571. By Senators Balfour of the 9th and Burton of the 5th:

A resolution commending the Parkview High School Panthers football team.

Senators Burton of the 5th and Balfour of the 9th, introduced the Parkview High School Football Team and Coaching Staff, commended by SR 571.

Senator Dean of the 31st introduced the Paulding County Homebuilders, commended by SR 471, adopted previously.

Senator Hill of the 4th introduced Peace Officers of the Year, Deputy Sheriff Henry "Bo" Huff, and Trooper First Class Grant G. Rowe, commended by SR 549 and SR 550 adopted previously, who addressed the Senate briefly.

The following resolution was read and adopted:

SR 574. By Senators Perdue of the 18th, Gillis of the 20th, Oliver of the 42nd and others:

A resolution expressing regret at the passing of Roberto Crispulo Goizueta and honoring his legacy.

The Lieutenant Governor and Senator Perdue of the 18th introduced Mrs. Roberto Goizueta, widow of the late CEO of the Coca Cola Company, who addressed the Senate briefly.

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Glanton of the 34th introduced the chaplain of the day, Pastor Robert Rutherford of Rock Fellowship Ministries in Lithia Springs, Georgia, who offered scripture reading and prayer.

Senator Guhl of the 45th introduced representatives of the Georgia Horticulture Trade Alliance, commended by SR 554, adopted previously. Doug Smith addressed the Senate briefly.

The following resolutions were read and adopted:

SR 569. By Senator Dean of the 31st:

A resolution recognizing and commending the Paulding County Chamber of Commerce.

SR 570. By Senator Ralston of the 51st:

A resolution commending and honoring the Ellijay Apple Marketing Association and its member apple growers.

SR 572. By Senators Balfour of the 9th and Burton of the 5th:

A resolution commending the Parkview High School Panthers football team.

SR 573. By Senator Kemp of the 3rd:

A resolution expressing regrets at the passing of Monica Dionne Woods.

SR 575. By Senators Tanksley of the 32nd, Thompson of the 33rd, Clay of the 37th and Lamutt of the 21st:

A resolution recognizing and commending the City of Smyrna.

Senator Ragan of the 11th moved that the following bill be withdrawn from the Committee on Special Judiciary and committed to the Committee on Agriculture:

SB 544. By Senators Ragan of the 11th, Streat of the 19th, Guhl of the 45th and others:

A bill to amend Code Section 10-4-19 of the Official Code of Georgia Annotated, relating to state licensed and bonded warehouses, required warehouse receipts, and use of electronic warehouse receipts, so as to change the provisions relating to electronic warehouse receipt providers.

On the motion, the yeas were 37, nays 0; the motion prevailed, and SB 544 was committed to the Committee on Agriculture.

SENATE RULES CALENDAR

Tuesday, February 3, 1998
TWELFTH LEGISLATIVE DAY

- SB 55 Health Insurance-cover diabetes out-patient training, equipment, supplies (Substitute)(I&L-10th)
- SB 484 Parks, Recreational Areas-permit to enter when required (Nat R-20th)
- SB 486 Water Systems Serving Less than 10,000 Persons-civil penalties for violations (Amendment)(Nat R-20th)
- SB 79 Teachers Retirement-credit for forfeited annual, sick leave (Ret-11th)
- SB 420 Southern Dairy Compact-enactment, compacts (Substitute)(Ag-25th)
- SB 427 Carrying Weapons, Certain Places-State Patrol, GBI retirees (Substitute)(Pub Saf-44th)
- SB 437 State Government-relating to competitive bidding (ST&I-41st)
- SB 522 Telecommunications Company-customer authorization for certain changes (Amendment)(F&PU-22nd)
- SR 492 Agriculture-urge Secretary and Congress declare Georgia agricultural disaster area (Ag-11th)

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

- SB 55. By Senators Thomas of the 10th, Griffin of the 25th, Johnson of the 2nd and others:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so as to require individual and group health insurance policies, group health plans or policies, and all other forms of managed or capitated care plans or policies to provide insurance coverage for diabetes outpatient self-management training and diabetes equipment and supplies.

The Senate Insurance and Labor Committee offered the following substitute to SB 55:

A BILL

To be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so

as to require individual major medical and group health insurance policies, group health plans or policies, and all other forms of managed or capitated care plans or policies to offer insurance coverage for medically necessary diabetes outpatient self-management training and diabetes equipment, supplies, and pharmacologic agents; to provide for enforcement by the Commissioner of Insurance; to provide for other matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, is amended by adding at the end thereof a new Code Section 33-24-59.1 to read as follows:

“33-24-59.1.

(a) On or after July 1, 1998, every individual major medical and group health insurance policy, group health insurance plan or policy, and any other form of managed or capitated care plans or policies shall offer coverage for medically necessary equipment, supplies, pharmacologic agents, and outpatient self-management training and education, including medical nutrition therapy, for individuals with insulin-dependent diabetes, insulin-using diabetes, gestational diabetes, and noninsulin-using diabetes as prescribed by a physician licensed to practice medicine pursuant to Title 43.

(b)(1) Diabetes outpatient self-management training and education as provided for in subsection (a) of this Code section shall be provided by a certified, registered, or licensed health care professional with expertise in diabetes.

(2) The Department of Human Resources shall adopt rules and regulations establishing standards for diabetes outpatient self-management training and educational services for purposes of this Code section in accordance with standards established by the American Diabetes Association.

(c) The benefits provided in this Code section shall be subject to the same annual deductibles or coinsurance established for all other covered benefits within a given policy.

(d) Private third-party payors may not reduce or eliminate coverage due to the requirements of this Code section.

(e) Enforcement of the provisions of this Code section shall be performed by the Commissioner of Insurance.”

SECTION 2.

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

Senator Thomas of the 10th offered the following amendment:

Amend the Senate Insurance and Labor Committee substitute to SB 55 by striking on line 6 of page 1 the word “offer” and inserting in lieu thereof the word “provide”

By striking on line 23 of page 1 the word “offer” and inserting in lieu thereof the word “provide”

By striking lines 3 through 8 on page 2 and inserting in lieu thereof the following:

“(2) The office of the Commissioner of Insurance shall promulgate rules and regulations which conform to the current standards for diabetes outpatient self-manage-

ment training and educational services established by the American Diabetes Association for purposes of this Code section.”

Senator Langford of the 29th offered the following amendment:

Amend the Thomas of the 10th amendment to the committee substitute by striking lines 3 through 7. And by adding on line 11 after the word “regulations” the following: “after consultation with the Department of Human Resources”

On the adoption of the amendment, the President ordered a roll call and the vote was as follows:

N Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
N Brown, 26th	Y Huggins	N Scott
Y Brush	N James	Y Starr
Y Burton	Y Johnson,D	N Stokes
Y Cagle	Y Johnson,E	N Streat
N Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	N Thomas,N
Y Egan	N Madden	Y Thompson
N Fort	N Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	N Oliver	N Walker
Y Gochenour	Y Perdue	

On the adoption of the amendment, the yeas were 42, nays 14, and the Langford amendment to the Thomas of the 10th amendment to the committee substitute was adopted.

On the adoption of the Thomas of the 10th amendment, as amended, the President ordered a roll call, and the vote was as follows:

Y Abernathy	Y Gillis	Y Langford
Y Balfour	Y Glanton	Y Madden
Y Blitch	Y Gochenour	Y Marable
Y Boshears	Y Griffin	Y Middleton
Y Bowen	Y Guhl	Y Oliver
Y Broun, 46th	Y Harbison	Y Perdue
Y Brown, 26th	Y Henson	Y Price,R
Brush	Y Hill	Y Price,T
Y Burton	Y Hooks	Y Ragan
Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
Y Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Y Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Y Fort	Y Land	Y Streat

Y Tanksley	Y Thomas,N	Y Tysinger
Y Taylor	Y Thompson	Y Walker
Y Thomas,D	Y Turner	

On the adoption of the amendment, the yeas were 55, nays 0; and the Thomas of the 10th amendment to the committee substitute was adopted as amended.

On the adoption of the committee substitute, the yeas were 40, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue PRS	

On the passage of the bill, the yeas were 55, nays 0.

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

Senator Middleton of the 50th introduced the doctor of the day, Dr. Kathy Easterling, of Clayton, Georgia.

At 12:06 P.M., the President announced that the Senate would stand in recess until 1:30 P.M.

At 1:30 P.M., Senator Perdue of the 18th, President Pro Tempore, called the Senate to order.

Senator Scott of the 36th moved that Senator Dean of the 31st be excused. On the motion, the yeas were 29, nays 0; the motion prevailed, and Senator Dean was excused.

The Calendar was resumed.

SB 484. By Senators Gillis of the 20th, Huggins of the 53rd, Egan of the 40th and others:

A bill to amend Chapter 2 of Title 12 of the Official Code of Georgia Annotated, relating to the Department of Natural Resources, so as to change a cer-

tain date applicable to criminal enforcement of regulations; to amend Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to parks, historic sites, and recreational areas, so as to provide that persons may not enter areas requiring permits without such a permit.

The report of the committee which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin		Price,R
Y	Balfour	Y	Guhl	Y	Price,T
	Blitch	Y	Harbison		Ragan
Y	Boshears	Y	Henson		Ralston
Y	Bowen	Y	Hill		Ray
	Broun, 46th	Y	Hooks	Y	Roberts
	Brown, 26th	Y	Huggins	Y	Scott
	Brush		James	Y	Starr
	Burton	Y	Johnson,D	Y	Stokes
	Cagle		Johnson,E	Y	Streat
	Cheeks		Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
EX	Dean		Langford		Thomas,N
Y	Egan		Madden	Y	Thompson
	Fort	Y	Marable	Y	Turner
Y	Gillis		Middleton	Y	Tysinger
N	Glanton	Y	Oliver		Walker
Y	Gochenour		Perdue PRS		

On the passage of the bill, the yeas 32, nays 1.

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

SB 486. By Senators Gillis of the 20th, Huggins of the 53rd, Egan of the 40th and others:

A bill to amend Part 5 of Article 3 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to public water systems, so as to provide for the imposition of civil penalties upon public water systems serving fewer than 10,000 persons, respectively, for certain violations and for the negligent or intentional failure or refusal to comply with final orders issued by the director of the Environmental Protection Division of the Department of Natural Resources.

The Senate Natural Resources Committee offered the following amendment:

Amend SB 486 by striking lines 2 through 4 of page 2 and inserting in lieu thereof the following:

“penalty not to exceed \$1,000.00 for such the first day of each violation and ~~an~~ a subsequent additional civil penalty not to exceed \$500.00 per violation for each additional day during which the violation”

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N	Abernathy	Y	Griffin	Price,R
Y	Balfour	Y	Guhl	Y Price,T
	Blitch		Harbison	Y Ragan
Y	Boshears	Y	Henson	Y Ralston
Y	Bowen	Y	Hill	Ray
Y	Broun, 46th	Y	Hooks	Y Roberts
Y	Brown, 26th	Y	Huggins	Y Scott
	Brush		James	Y Starr
Y	Burton	Y	Johnson,D	N Stokes
Y	Cagle	Y	Johnson,E	Streat
Y	Cheeks		Kemp	Y Tanksley
Y	Clay	Y	Lamutt	Y Taylor
Y	Crotts	Y	Land	Y Thomas,D
Y	Dean		Langford	Thomas,N
Y	Egan		Madden	Y Thompson
N	Fort	Y	Marable	Y Turner
Y	Gillis	Y	Middleton	Y Tysinger
N	Glanton	Y	Oliver	Walker
Y	Gochenour		Perdue PRS	

On the passage of the bill, the yeas were 39, nays 4.

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

SB 79. By Senators Ragan of the 11th, Starr of the 44th, Streat of the 19th and others:

A bill to amend Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, so as to provide for creditable service for forfeited annual and sick leave; to provide conditions for an effective date and automatic repeal.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Dean	James
Y	Balfour	Y	Egan	Y Johnson,D
Y	Blitch	Y	Fort	Y Johnson,E
Y	Boshears	Y	Gillis	Y Kemp
Y	Bowen	N	Glanton	Y Lamutt
Y	Broun, 46th	Y	Gochenour	Y Land
Y	Brown, 26th	Y	Griffin	Y Langford
Y	Brush	Y	Guhl	Y Madden
Y	Burton	Y	Harbison	Y Marable
Y	Cagle	Y	Henson	Y Middleton
Y	Cheeks	Y	Hill	Y Oliver
Y	Clay	Y	Hooks	Perdue(PRS)
Y	Crotts	Y	Huggins	

Y Price,R	Y Scott	Y Thomas,D
Y Price,T	Y Starr	Y Thomas,N
Y Ragan	Y Stokes	Y Thompson
Y Ralston	Y Streat	Y Turner
Y Ray	Y Tanksley	Y Tysinger
Y Roberts	Y Taylor	Y Walker

On the passage of the bill, the yeas were 53, nays 1.

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

Senator Harbison of the 15th moved that Senator Fort of the 39th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Fort was excused.

Senator Walker of the 22nd moved that Senator Thomas of the 10th be excused. On the motion, the yeas were 41, nays 0; the motion prevailed, and Senator Thomas was excused.

The Calendar was resumed.

SB 420. By Senators Griffin of the 25th, Ragan of the 11th, Bowen of the 13th and others:

A bill to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to enact into law the Southern Dairy Compact and provide for the entry into the compact by the State of Georgia together with all other jurisdictions legally joining in the compact; to provide for the appointment, terms, duties, powers, per diem, expenses, and vacancies of members of the state's delegation to the Southern Dairy Compact Commission.

The Senate Committee on Agriculture offered the following substitute to SB 420:

A BILL

To be entitled an Act to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to enact into law the Southern Dairy Compact and provide for the entry into the compact by the State of Georgia together with all other jurisdictions legally joining in the compact; to provide for the appointment, terms, duties, powers, per diem, expenses, and vacancies of members of the state's delegation to the Southern Dairy Compact Commission; to provide for funds; to provide for obtaining and use of information; to provide for rules and regulations; to provide for enforcement and penalties; to amend Article 2 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to reimbursement of expenses, so as to provide for expense allowance and travel cost reimbursement for members of the delegation from the State of Georgia to the Southern Dairy Compact Commission; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by adding at the end of said title a new Chapter 17 to read as follows:

"CHAPTER 17

2-17-1.

The Southern Dairy Compact is enacted into law and entered into by the State of Georgia with all other jurisdictions legally joining therein. The full text of said compact is as follows:

‘SOUTHERN DAIRY COMPACT

ARTICLE I. STATEMENT OF PURPOSE, FINDINGS, AND DECLARATION OF POLICY

Section 1. Statement of purpose, findings, and declaration of policy.

The purpose of this compact is to recognize the interstate character of the southern dairy industry and the prerogative of the states under the United States Constitution to form an interstate commission for the southern region. The mission of the commission is to take such steps as are necessary to assure the continued viability of dairy farming in the south, and to assure consumers of an adequate, local supply of pure and wholesome milk.

The participating states find and declare that the dairy industry is an essential agricultural activity of the south. Dairy farms, and associated suppliers, marketers, processors, and retailers, are an integral component of the region's economy. Their ability to provide a stable, local supply of pure, wholesome milk is a matter of great importance to the health and welfare of the region.

The participating states further find that dairy farms are essential, and they are an integral part of the region's rural communities. The farms preserve land for agricultural purposes and provide needed economic stimuli for rural communities.

In establishing their constitutional regulatory authority over the region's fluid milk market by this compact, the participating states declare their purpose that this compact neither displace the federal order system nor encourage the merging of federal orders. Specific provisions of the compact itself set forth this basic principle.

Designed as a flexible mechanism able to adjust to changes in a regulated marketplace, the compact also contains a contingency provision should the federal order system be discontinued. In that event, the interstate commission is authorized to regulate the marketplace in replacement of the order system. This contingent authority does not anticipate such a change, however, and should not be so construed. It is only provided should developments in the market other than establishment of this compact result in discontinuance of the order system.

By entering into this compact, the participating states affirm that their ability to regulate the price which southern dairy farmers receive for their product is essential to the public interest. Assurance of a fair and equitable price for dairy farmers ensures their ability to provide milk to the market and the vitality of the southern dairy industry, with all the associated benefits.

Recent, dramatic price fluctuations, with a pronounced downward trend, threaten the viability and stability of the southern dairy region. Historically, individual state regulatory action had been an effective emergency remedy available to farmers confronting a distressed market. The federal order system, implemented by the Agricultural Marketing Agreement Act of 1937, establishes only minimum prices paid to producers for raw milk, without preempting the power of states to regulate milk prices above the minimum levels so established.

In today's regional dairy marketplace, cooperative, rather than individual state action is needed to more effectively address the market disarray. Under our constitutional system, properly authorized states acting cooperatively may exercise more power to regulate interstate commerce than they may assert individually without such authority. For this reason, the participating states invoke their authority to

act in common agreement, with the consent of Congress, under the compact clause of the Constitution.

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ARTICLE II. DEFINITIONS AND RULES OF CONSTRUCTION

Section 2. Definitions.

For the purposes of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

(1) "Class I milk" means milk disposed of in fluid form or as a fluid milk product, subject to further definition in accordance with the principles expressed in subdivision (b) of Section 3.

(2) "Commission" means the Southern Dairy Compact Commission established by this compact.

(3) "Commission marketing order" means regulations adopted by the commission pursuant to Sections 9 and 10 of this compact in place of a terminated federal marketing order or state dairy regulation. Such order may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission. Such order may establish minimum prices for any or all classes of milk.

(4) "Compact" means this interstate compact.

(5) "Compact over-order price" means a minimum price required to be paid to producers for Class I milk established by the commission in regulations adopted pursuant to Sections 9 and 10 of this compact, which is above the price established in federal marketing orders or by state farm price regulation in the regulated area. Such price may apply throughout the region or in any part or parts thereof as defined in the regulations of the commission.

(6) "Milk" means the lacteal secretion of cows and includes all skim, butterfat, or other constituents obtained from separation or any other process. The term is used in its broadest sense and may be further defined by the commission for regulatory purposes.

(7) "Partially regulated plant" means a milk plant not located in a regulated area but having Class I distribution within such area. Commission regulations may exempt plants having such distribution or receipts in amounts less than the limits defined therein.

(8) "Participating state" means a state which has become a party to this compact by the enactment of concurring legislation.

(9) "Pool plant" means any milk plant located in a regulated area.

(10) "Region" means the territorial limits of the states which are parties to this compact.

(11) "Regulated area" means any area within the region governed by and defined in regulations establishing a compact over-order price or commission marketing order.

(12) "State dairy regulation" means any state regulation of dairy prices, and associated assessments, whether by statute, marketing order, or otherwise.

Section 3. Rules of construction.

(a) This compact shall not be construed to displace existing federal milk marketing orders or state dairy regulation in the region but to supplement them. In the event some or all federal orders in the region are discontinued, the compact shall be

construed to provide the commission the option to replace them with one or more commission marketing orders pursuant to this compact.

(b) This compact shall be construed liberally in order to achieve the purposes and intent enunciated in Section 1. It is the intent of this compact to establish a basic structure by which the commission may achieve those purposes through the application, adaptation, and development of the regulatory techniques historically associated with milk marketing and to afford the commission broad flexibility to devise regulatory mechanisms to achieve the purposes of this compact. In accordance with this intent, the technical terms which are associated with market order regulation and which have acquired commonly understood general meanings are not defined herein but the commission may further define the terms used in this compact and develop additional concepts and define additional terms as it may find appropriate to achieve its purposes.

ARTICLE III. COMMISSION ESTABLISHED

Section 4. Commission established.

There is hereby created a commission to administer the compact, composed of delegations from each state in the region. The commission shall be known as the Southern Dairy Compact Commission. A delegation shall include not less than three nor more than five persons. Each delegation shall include at least one dairy farmer who is engaged in the production of milk at the time of appointment or reappointment, and one consumer representative. Delegation members shall be residents and voters of, and subject to such confirmation process as is provided for in, the appointing state. Delegation members shall serve no more than three consecutive terms with no single term of more than four years, and be subject to removal for cause. In all other respects, delegation members shall serve in accordance with the laws of the state represented. The compensation, if any, of the members of a state delegation shall be determined and paid by each state, but their expenses shall be paid by the commission.

Section 5. Voting requirements.

All actions taken by the commission, except for the establishment or termination of an over-order price or commission marketing order, and the adoption, amendment, or rescission of the commission's by-laws, shall be by majority vote of the delegations present. Each state delegation shall be entitled to one vote in the conduct of the commission's affairs. Establishment or termination of an over-order price or commission marketing order shall require at least a two-thirds vote of the delegations present. The establishment of a regulated area which covers all or part of a participating state shall require also the affirmative vote of that state's delegation. A majority of the delegations from the participating states shall constitute a quorum for the conduct of the commission's business.

Section 6. Administration and management.

(a) The commission shall elect annually from among the members of the participating state delegations a chairperson, a vice-chairperson, and a treasurer. The commission shall appoint an executive director and fix his or her duties and compensation. The executive director shall serve at the pleasure of the commission, and, together with the treasurer, shall be bonded in an amount determined by the commission. The commission may establish through its by-laws an executive committee composed of one member elected by each delegation.

(b) The commission shall adopt by-laws for the conduct of its business by a two-thirds vote and shall have the power by the same vote to amend and rescind these by-laws. The commission shall publish its by-laws in convenient form with the appropriate agency or officer in each of the participating states. The by-laws shall provide for appropriate notice to the delegations of all commission meetings and hearings and of the business to be transacted at such meetings or hearings. Notice also shall be given to other agencies or officers of participating states as provided by the laws of those states.

(c) The commission shall file an annual report with the Secretary of Agriculture of the United States, and with each of the participating states by submitting copies to the governor, both houses of the legislature, and the head of the state department having responsibilities for agriculture.

(d) In addition to the powers and duties elsewhere prescribed in this compact, the commission shall have the power:

(1) To sue and be sued in any state or federal court;

(2) To have a seal and alter the same at pleasure;

(3) To acquire, hold, and dispose of real and personal property by gift, purchase, lease, license, or other similar manner, for its corporate purposes;

(4) To borrow money and to issue notes, to provide for the rights of the holders thereof, and to pledge the revenue of the commission as security therefor, subject to the provisions of Section 18 of this compact;

(5) To appoint such officers, agents, and employees as it may deem necessary, prescribe their powers, duties, and qualifications; and

(6) To create and abolish such offices, employments, and positions as it deems necessary for the purposes of the compact and provide for the removal, term, tenure, compensation, fringe benefits, pension, and retirement rights of its officers and employees. The commission may also retain personal services on a contract basis.

Section 7. Rulemaking power.

In addition to the power to promulgate a compact over-order price or commission marketing orders as provided by this compact, the commission is further empowered to make and enforce such additional rules and regulations as it deems necessary to implement any provisions of this compact, or to effectuate in any other respect the purposes of this compact.

ARTICLE IV. POWERS OF THE COMMISSION

Section 8. Powers to promote regulatory uniformity, simplicity, and interstate cooperation.

The commission is hereby empowered to:

(1) Investigate or provide for investigations or research projects designed to review the existing laws and regulations of the participating states, to consider their administration and costs, to measure their impact on the production and marketing of milk and their effects on the shipment of milk and milk products within the region.

(2) Study and recommend to the participating states joint or cooperative programs for the administration of the dairy marketing laws and regulations and to prepare estimates of cost savings and benefits of such programs.

(3) Encourage the harmonious relationships between the various elements in the industry for the solution of their material problems. Conduct symposia or conferences designed to improve industry relations, or a better understanding of problems.

(4) Prepare and release periodic reports on activities and results of the commission's efforts to the participating states.

(5) Review the existing marketing system for milk and milk products and recommend changes in the existing structure for assembly and distribution of milk which may assist, improve, or promote more efficient assembly and distribution of milk.

(6) Investigate costs and charges for producing, hauling, handling, processing, distributing, selling, and for all other services performed with respect to milk.

(7) Examine current economic forces affecting producers, probable trends in production and consumption, the level of dairy farm prices in relation to costs, the financial conditions of dairy farmers, and the need for an emergency order to relieve critical conditions on dairy farms.

Section 9. Equitable farm prices.

(a) The powers granted in this section and Section 10 shall apply only to the establishment of a compact over-order price, so long as federal milk marketing orders remain in effect in the region. In the event that any or all such orders are terminated, this article shall authorize the commission to establish one or more commission marketing orders, as herein provided, in the region or parts thereof as defined in the order.

(b) A compact over-order price established pursuant to this section shall apply only to Class I milk. Such compact over-order price shall not exceed one dollar and fifty cents per gallon at Atlanta, Ga., however, this compact over-order price shall be adjusted upward or downward at other locations in the region to reflect differences in minimum federal order prices. Beginning in 1990, and using that year as a base, the foregoing one dollar and fifty cents per gallon maximum shall be adjusted annually by the rate of change in the Consumer Price Index as reported by the Bureau of Labor Statistics of the United States Department of Labor. For purposes of the pooling and equalization of an over-order price, the value of milk used in other use classifications shall be calculated at the appropriate class price established pursuant to the applicable federal order or state dairy regulation and the value of unregulated milk shall be calculated in relation to the nearest prevailing class price in accordance with and subject to such adjustments as the commission may prescribe in regulations.

(c) A commission marketing order shall apply to all classes and uses of milk.

(d) The commission is hereby empowered to establish a compact over-order price for milk to be paid by pool plants and partially regulated plants. The commission is also empowered to establish a compact over-order price to be paid by all other handlers receiving milk from producers located in a regulated area. This price shall be established either as a compact over-order price or by one or more commission marketing orders. Whenever such a price has been established by either type of regulation, the legal obligation to pay such price shall be determined solely by the terms and purpose of the regulation without regard to the situs of the transfer of title, possession, or any other factors not related to the purposes of the regulation and

this compact. Producer-handlers as defined in an applicable federal market order shall not be subject to a compact over-order price. The commission shall provide for similar treatment of producer-handlers under commission marketing orders.

(e) In determining the price, the commission shall consider the balance between production and consumption of milk and milk products in the regulated area, the costs of production including, but not limited to, the price of feed, the cost of labor including the reasonable value of the producer's own labor and management, machinery expense, and interest expense, the prevailing price for milk outside the regulated area, the purchasing power of the public, and the price necessary to yield a reasonable return to the producer and distributor.

(f) When establishing a compact over-order price, the commission shall take such other action as is necessary and feasible to help ensure that the over-order price does not cause or compensate producers so as to generate local production of milk in excess of those quantities necessary to assure consumers of an adequate supply for fluid purposes.

(g) The commission shall whenever possible enter into agreements with state or federal agencies for exchange of information or services for the purpose of reducing regulatory burden and cost of administering the compact. The commission may reimburse other agencies for the reasonable cost of providing these services.

Section 10. Optional provisions for pricing order.

Regulations establishing a compact over-order price or a commission marketing order may contain, but shall not be limited to, any of the following:

(1) Provisions classifying milk in accordance with the form in which or purpose for which it is used, or creating a flat pricing program.

(2) With respect to a commission marketing order only, provisions establishing or providing a method for establishing separate minimum prices for each use classification prescribed by the commission, or a single minimum price for milk purchased from producers or associations of producers.

(3) With respect to an over-order minimum price, provisions establishing or providing a method for establishing such minimum price for Class I milk.

(4) Provisions for establishing either an over-order price or a commission marketing order may make use of any reasonable method for establishing such price or prices including flat pricing and formula pricing. Provision may also be made for location adjustments, zone differentials and for competitive credits with respect to regulated handlers who market outside the regulated area.

(5) Provisions for the payment to all producers and associations of producers delivering milk to all handlers of uniform prices for all milk so delivered, irrespective of the uses made of such milk by the individual handler to whom it is delivered, or for the payment of producers delivering milk to the same handler of uniform prices for all milk delivered by them.

(A) With respect to regulations establishing a compact over-order price, the commission may establish one equalization pool within the regulated area for the sole purpose of equalizing returns to producers throughout the regulated area.

(B) With respect to any commission marketing order, as defined in Section 2, subdivision (9), which replaces one or more terminated federal orders or state dairy regulations, the marketing area of now separate state or federal orders

shall not be merged without the affirmative consent of each state, voting through its delegation, which is partly or wholly included within any such new marketing area.

(6) Provisions requiring persons who bring Class I milk into the regulated area to make compensatory payments with respect to all such milk to the extent necessary to equalize the cost of milk purchased by handlers subject to a compact over-order price or commission marketing order. No such provisions shall discriminate against milk producers outside the regulated area. The provisions for compensatory payments may require payment of the difference between the Class I price required to be paid for such milk in the state of production by a federal milk marketing order or state dairy regulation and the Class I price established by the compact over-order price or commission marketing order.

(7) Provisions specially governing the pricing and pooling of milk handled by partially regulated plants.

(8) Provisions requiring that the account of any person regulated under the compact over-order price shall be adjusted for any payments made to or received by such persons with respect to a producer settlement fund of any federal or state milk marketing order or other state dairy regulation within the regulated area.

(9) Provision requiring the payment by handlers of an assessment to cover the costs of the administration and enforcement of such order pursuant to Article VII, Section 18(a).

(10) Provisions for reimbursement to participants of the Women, Infants and Children Special Supplemental Food Program of the United States Child Nutrition Act of 1966.

(11) Other provisions and requirements as the commission may find are necessary or appropriate to effectuate the purposes of this compact and to provide for the payment of fair and equitable minimum prices to producers.

ARTICLE V. RULEMAKING PROCEDURE.

Section 11. Rulemaking procedure.

Before promulgation of any regulations establishing a compact over-order price or commission marketing order, including any provision with respect to milk supply under subsection 9(f), or amendment thereof, as provided in Article IV, the commission shall conduct an informal rulemaking proceeding to provide interested persons with an opportunity to present data and views. Such rulemaking proceeding shall be governed by Section 4 of the Federal Administrative Procedure Act, as amended (5 U.S.C. Sec. 553). In addition, the commission shall, to the extent practicable, publish notice of rulemaking proceedings in the official register of each participating state. Before the initial adoption of regulations establishing a compact over-order price or a commission marketing order and thereafter before any amendment with regard to prices or assessments, the commission shall hold a public hearing. The commission may commence a rulemaking proceeding on its own initiative or may in its sole discretion act upon the petition of any person including individual milk producers, any organization of milk producers or handlers, general farm organizations, consumer or public interest groups, and local, state or federal officials.

Section 12. Findings and referendum.

(a) In addition to the concise general statement of basis and purpose required by section 4(b) of the Federal Administrative Procedure Act, as amended (5 U.S.C. Sec. 553 (c)), the commission shall make findings of fact with respect to:

(1) Whether the public interest will be served by the establishment of minimum milk prices to dairy farmers under Article IV.

(2) What level of prices will assure that producers receive a price sufficient to cover their costs of production and will elicit an adequate supply of milk for the inhabitants of the regulated area and for manufacturing purposes.

(3) Whether the major provisions of the order, other than those fixing minimum milk prices, are in the public interest and are reasonably designed to achieve the purposes of the order.

(4) Whether the terms of the proposed regional order or amendment are approved by producers as provided in Section 13.

Section 13. Producer referendum.

(a) For the purpose of ascertaining whether the issuance or amendment of regulations establishing a compact over-order price or a commission marketing order, including any provision with respect to milk supply under subsection 9(f), is approved by producers, the commission shall conduct a referendum among producers. The referendum shall be held in a timely manner, as determined by regulation of the commission. The terms and conditions of the proposed order or amendment shall be described by the commission in the ballot used in the conduct of the referendum, but the nature, content, or extent of such description shall not be a basis for attacking the legality of the order or any action relating thereto.

(b) An order or amendment shall be deemed approved by producers if the commission determines that it is approved by at least two-thirds of the voting producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which would be regulated under the proposed order or amendment.

(c) For purposes of any referendum, the commission shall consider the approval or disapproval by any cooperative association of producers, qualified under the provisions of the Act of Congress of February 18, 1922, as amended, known as the Capper-Volstead Act, bona fide engaged in marketing milk, or in rendering services for or advancing the interests of producers of such commodity, as the approval or disapproval of the producers who are members or stockholders in, or under contract with, such cooperative association of producers, except as provided in subdivision (1) hereof and subject to the provisions of subdivision (2) through (5) hereof.

(1) No cooperative which has been formed to act as a common marketing agency for both cooperatives and individual producers shall be qualified to block vote for either.

(2) Any cooperative which is qualified to block vote shall, before submitting its approval or disapproval in any referendum, give prior written notice to each of its members as to whether and how it intends to cast its vote. The notice shall be given in a timely manner as established, and in the form prescribed, by the commission.

(3) Any producer may obtain a ballot from the commission in order to register approval or disapproval of the proposed order.

(4) A producer who is a member of a cooperative which has provided notice of its intent to approve or not to approve a proposed order, and who obtains a ballot and with such ballot expresses his or her approval or disapproval of the proposed order, shall notify the commission as to the name of the cooperative of which he or she is a member, and the commission shall remove such producer's name from the list certified by such cooperative with its corporate vote.

(5) In order to insure that all milk producers are informed regarding the proposed order, the commission shall notify all milk producers that an order is being considered and that each producer may register his approval or disapproval with the commission either directly or through his or her cooperative.

Section 14. Termination of over-order price or marketing order.

(a) The commission shall terminate any regulations establishing an over-order price or commission marketing order issued under this article whenever it finds that such order or price obstructs or does not tend to effectuate the declared policy of this compact.

(b) The commission shall terminate any regulations establishing an over-order price or a commission marketing order issued under this article whenever it finds that such termination is favored by a majority of the producers who, during a representative period determined by the commission, have been engaged in the production of milk the price of which is regulated by such order; but such termination shall be effective only if announced on or before such date as may be specified in such marketing agreement or order.

(c) The termination or suspension of any order or provision thereof shall not be considered an order within the meaning of this article and shall require no hearing, but shall comply with the requirements for informal rulemaking prescribed by Section 4 of the Federal Administrative Procedure Act, as amended (5 U.S.C. Sec. 553).

ARTICLE VI. ENFORCEMENT

Section 15. Records, reports, access to premises.

(a) The commission may by rule and regulation prescribe record keeping and reporting requirements for all regulated persons. For purposes of the administration and enforcement of this compact, the commission is authorized to examine the books and records of any regulated person relating to his or her milk business and for that purpose, the commission's properly designated officers, employees, or agents shall have full access during normal business hours to the premises and records of all regulated persons.

(b) Information furnished to or acquired by the commission officers, employees, or its agents pursuant to this section shall be confidential and not subject to disclosure except to the extent that the commission deems disclosure to be necessary in any administrative or judicial proceeding involving the administration or enforcement of this compact, an over-order price, a compact marketing order, or other regulations of the commission. The commission may promulgate regulations further defining the confidentiality of information pursuant to this section. Nothing in this section shall be deemed to prohibit (i) the issuance of general statements based upon the reports of a number of handlers, which do not identify the information furnished by any person, or (ii) the publication by direction of the commission of the name of any person violating any regulation of the commission, together with a statement of the particular provisions violated by such person.

(c) No officer, employee, or agent of the commission shall intentionally disclose information, by inference or otherwise, which is made confidential pursuant to this section. Any person violating the provisions of this section shall, upon conviction, be subject to a fine of not more than one thousand dollars or to imprisonment for not more than one year, or both, and shall be removed from office. The commission shall refer any allegation of a violation of this section to the appropriate state enforcement authority or United States Attorney.

Section 16. Subpoena, hearings and judicial review.

(a) The commission is hereby authorized and empowered by its members and its properly designated officers to administer oaths and issue subpoenas throughout all signatory states to compel the attendance of witnesses and the giving of testimony and the production of other evidence.

(b) Any handler subject to an order may file a written petition with the commission stating that any order or any provision of any such order or any obligation imposed in connection therewith is not in accordance with law and praying for a modification thereof or to be exempted therefrom. He shall thereupon be given an opportunity for a hearing upon such petition, in accordance with regulations made by the commission. After such hearing, the commission shall make a ruling upon the prayer of such petition which shall be final, if in accordance with law.

(c) The district courts of the United States in any district in which such handler is an inhabitant, or has his principal place of business, are hereby vested with jurisdiction to review such ruling, provided a complaint for that purpose is filed within thirty days from the date of the entry of such ruling. Service of process in such proceedings may be had upon the commission by delivering to it a copy of the complaint. If the court determines that such ruling is not in accordance with law, it shall remand such proceedings to the commission with directions either (1) to make such ruling as the court shall determine to be in accordance with law, or (2) to take such further proceedings as, in its opinion, the law requires. The pendency of proceedings instituted pursuant to this subdivision shall not impede, hinder, or delay the commission from obtaining relief pursuant to Section 17. Any proceedings brought pursuant to Section 17, except where brought by way of counterclaim in proceedings instituted pursuant to this section, shall abate whenever a final decree has been rendered in proceedings between the same parties, and covering the same subject matter, instituted pursuant to this section.

Section 17. Enforcement with respect to handlers.

(a) Any violation by a handler of the provisions of regulations establishing an over-order price or a commission marketing order, or other regulations adopted pursuant to this compact shall:

(1) Constitute a violation of the laws of each of the signatory states. Such violation shall render the violator subject to a civil penalty in an amount as may be prescribed by the laws of each of the participating states, recoverable in any state or federal court of competent jurisdiction. Each day such violation continues shall constitute a separate violation.

(2) Constitute grounds for the revocation of license or permit to engage in the milk business under the applicable laws of the participating states.

(b) With respect to handlers, the commission shall enforce the provisions of this compact, regulations establishing an over-order price, a commission marketing order or other regulations adopted hereunder by:

(1) Commencing an action for legal or equitable relief brought in the name of the commission in any state or federal court of competent jurisdiction; or

(2) Referral to the state agency for enforcement by judicial or administrative remedy with the agreement of the appropriate state agency of a participating state.

(c) With respect to handlers, the commission may bring an action for injunction to enforce the provisions of this compact or the order or regulations adopted thereunder without being compelled to allege or prove that an adequate remedy of law does not exist.

ARTICLE VII. FINANCE

Section 18. Finance of start-up and regular costs.

(a) To provide for its start-up costs, the commission may borrow money pursuant to its general power under Section 6, subdivision (d), paragraph 4. In order to finance the costs of administration and enforcement of this compact, including payback of start-up costs, the commission is hereby empowered to collect an assessment from each handler who purchases milk from producers within the region. If imposed, this assessment shall be collected on a monthly basis for up to one year from the date the commission convenes, in an amount not to exceed \$.015 per hundredweight of milk purchased from producers during the period of the assessment. The initial assessment may apply to the projected purchases of handlers for the two-month period following the date the commission convenes. In addition, if regulations establishing an over-order price or a compact marketing order are adopted, they may include an assessment for the specific purpose of their administration. These regulations shall provide for establishment of a reserve for the commission's ongoing operating expenses.

(b) The commission shall not pledge the credit of any participating state or of the United States. Notes issued by the commission and all other financial obligations incurred by it shall be its sole responsibility and no participating state or the United States shall be liable therefor.

Section 19. Audit and accounts.

(a) The commission shall keep accurate accounts of all receipts and disbursements, which shall be subject to the audit and accounting procedures established under its rules. In addition, all receipts and disbursements of funds handled by the commission shall be audited yearly by a qualified public accountant and the report of the audit shall be included in and become part of the annual report of the commission.

(b) The accounts of the commission shall be open at any reasonable time for inspection by duly constituted officers of the participating states and by any persons authorized by the commission.

(c) Nothing contained in this article shall be construed to prevent commission compliance with laws relating to audit or inspection of accounts by or on behalf of any participating state or of the United States.

ARTICLE VIII. ENTRY INTO FORCE; ADDITIONAL MEMBERS AND WITHDRAWAL

Section 20. Entry into force; additional members.

The compact shall enter into force effective when enacted into law by any three states of the group of states composed of Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Maryland, Mississippi, North Carolina, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and West Virginia and when the consent of Congress has been obtained.

Section 21. Withdrawal from compact.

Any participating state may withdraw from this compact by enacting a statute repealing the same, but no such withdrawal shall take effect until one year after notice in writing of the withdrawal is given to the commission and the governors of all other participating states. No withdrawal shall affect any liability already incurred by or chargeable to a participating state prior to the time of such withdrawal.

Section 22. Severability.

If any part or provision of this compact is adjudged invalid by any court, such judgment shall be confined in its operation to the part or provision directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this compact. In the event Congress consents to this compact subject to conditions, said conditions shall not impair the validity of this compact when said conditions are accepted by three or more compacting states. A compacting state may accept the conditions of Congress by implementation of this compact.'

2-17-2.

(a) The delegation from the State of Georgia to the Southern Dairy Compact Commission, as established in Article IV of the compact, shall be composed of five members appointed as follows:

- (1) One member representing consumers of milk shall be appointed by the Governor;
- (2) One member shall be appointed by the Speaker of the House of Representatives;
- (3) One member shall be appointed by the President of the Senate; and
- (4) Two members shall be appointed by the Commissioner of Agriculture, one of whom shall be a dairy farmer engaged in the production of milk and one of whom shall be a milk handler actively engaged in the processing of fluid milk at the time of appointment or reappointment.

(b) Members must be registered to vote in the state.

(c) Members shall serve a term of four years and may be reappointed, but no member shall serve more than three consecutive terms. Members shall serve until their successors are duly appointed. Any appointment to fill an unexpired term shall be for the balance of the unexpired term and shall be made by the appropriate appointing authority. The Commissioner of Agriculture shall designate one member of the delegation to serve as chairperson, at the pleasure of the Commissioner.

(d) A majority of the delegation shall constitute a quorum for the transaction of business.

(e) All clerical and other services required by the delegation shall be provided by the Commissioner of Agriculture.

(f) The delegation is assigned to the Department of Agriculture for administrative purposes only.

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(g) The funds necessary to carry out this chapter and the Southern Dairy Compact shall be paid from funds appropriated to or otherwise made available to the Department of Agriculture for such purpose.

2-17-3.

The Commissioner of Agriculture may, by lawful means, obtain information pertaining to the dairy industry which the Commissioner deems necessary to carry out the purposes of this chapter and the Southern Dairy Compact. Such information may be utilized by the Commissioner, the delegates, and the Southern Dairy Compact Commission.

2-17-4.

The Commissioner of Agriculture may adopt such rules and regulations, in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' as are necessary to carry out the purposes of this chapter and the Southern Dairy Compact.

2-17-5.

(a) No person shall violate this chapter, the Southern Dairy Compact, or any rules or regulations adopted pursuant to either this chapter or the compact.

(b) For purposes of the enforcement of this chapter, the Southern Dairy Compact, or any rules or regulations adopted pursuant to either this chapter or the compact, the provisions of Code Section 2-2-10, Code Section 2-2-11, and Chapter 5 of this title shall be applicable to any violation.

(c) Each day on which a violation occurs shall be a separate violation."

SECTION 2.

Article 2 of Chapter 7 of Title 45 of the Official Code of Georgia Annotated, relating to reimbursement of expenses, is amended by striking Code Section 45-7-21, relating to expense allowances and travel cost reimbursement for members of certain boards and commissions, and inserting in lieu thereof the following:

"45-7-21.

Each member of the boards and commissions enumerated in this Code section shall receive the same expense allowance per day as that received by a member of the General Assembly for each day such member of a board or commission is in attendance at a meeting of such board or commission, plus reimbursement for actual transportation costs while traveling by public carrier or the legal mileage rate for the use of a personal automobile in connection with such attendance. The expense allowance and reimbursement provided for in this Code section shall be paid in lieu of any per diem, allowance, or other remuneration now received by any such member for such attendance. The existing law relative to any limitation on the number of meeting days and remuneration for service on committees or subcommittees of any such board or commission shall remain in effect. The boards and commissions to which this Code section shall be applicable are as follows:

- (1) State Board of Education;
- (2) State Medical Education Board;
- (3) Board of Regents of the University System of Georgia;
- (4) Board of Corrections;

- (5) Board of Industry, Trade, and Tourism;
- (6) ~~Board of Natural Resources~~;
- (7) State Transportation Board;
- (8) Dental Education Board;
- (9) Georgia Student Finance Commission;
- (10) Veterans Service Board;
- (11) Georgia Agricultural Exposition Authority;
- (12) Joint Board of Family Practice;
- (13) Georgia Music Hall of Fame Authority;
- (14) Georgia Sports Hall of Fame Authority; and
- (15) Georgia Rail Passenger Authority; and
- (16) The delegation from the State of Georgia to the Southern Dairy Compact Commission.

SECTION 3.

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

On the adoption of the substitute, the yeas were 36, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	N	Price,R
N	Balfour	N	Guhl	N	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	N	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
N	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	N	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	N	Tanksley
Y	Clay	N	Lamutt	Y	Taylor
N	Crotts	N	Land	Y	Thomas,D
	Dean	N	Langford	EX	Thomas,N
N	Egan	Y	Madden	Y	Thompson
EX	Fort	Y	Marable	Y	Turner
N	Gillis	Y	Middleton	N	Tysinger
N	Glanton	Y	Oliver	Y	Walker
N	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 36, nays 17.

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

Senator Griffin of the 25th moved that SB 420 be immediately transmitted to the House.

On the motion, the yeas were 36, nays 0; the motion prevailed, and SB 420 was immediately transmitted.

SB 427. By Senators Starr of the 44th, Bowen of the 13th, Dean of the 31st and others:

A bill to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from criminal prohibitions against carrying weapons in certain manners or certain places, so as to provide an exemption for retired members of the Georgia State Patrol and retired agents of the Georgia Bureau of Investigation.

The Senate Committee on Public Safety offered the following substitute to SB 427:

A BILL

To be entitled an Act to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from criminal prohibitions against carrying weapons in certain manners or certain places, so as to provide an exemption for certain law enforcement chief executives, retired law enforcement chief executives, police officers, and retired police officers; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from criminal prohibitions against carrying weapons in certain manners or certain

places, is amended by striking subsection (c) and inserting in its place a new subsection to read as follows:

“(c) Code Sections 16-11-126 through 16-11-128 shall not apply to or affect any:

(1) ~~Sheriff~~ ~~sheriff~~, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired deputy sheriff is receiving benefits under the Peace Officers’ Annuity and Benefit Fund provided under Chapter 17 of Title 47;

(2) Full-time law enforcement chief executive engaging in the management of a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that is registered or certified by the Peace Officer Standards and Training Council; or retired law enforcement chief executive that formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that was registered or certified at the time of his or her retirement by the Peace Officer Standards and Training Council, if such retired law enforcement chief executive is receiving benefits under the Peace Officers’ Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; or

(3) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that is registered or certified by the Peace Officer Standards and Training Council, or retired police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that was registered or certified at the time of his or her retirement by the Peace Officer Standards and Training Council, if such retired police officer is receiving benefits under the Peace Officers’ Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system.

In addition, any such sheriff, retired sheriff, deputy sheriff, ~~or~~ retired deputy sheriff, active or retired law enforcement chief executive, or other law enforcement officer referred to in this subsection shall be authorized to carry a pistol or revolver on or off duty anywhere within the state and the provisions of Code Sections 16-11-126 through 16-11-128 shall not apply to the carrying of such firearms.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 38, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
EX Dean	Y Langford	EX Thomas,N
N Egan	Y Madden	Y Thompson
EX Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 1.

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

The following resolution was taken up to consider House action thereto:

SR 477. By Senators Walker of the 22nd, Perdue of the 18th, Stokes of the 43rd and others:

A resolution creating the Bipartisan Joint Commission on Parole Abolition and Sentencing Reform.

The House substitute to SR 477 was as follows:

A RESOLUTION

Creating the Bipartisan Joint Commission on Sentencing Reform; and for other purposes.

WHEREAS, it is a paramount obligation of government to provide for the protection of the safety of the public; and

WHEREAS, crime and crime prevention continue to be concerns for the people of the State of Georgia and its public officials; and

WHEREAS, a constitutional amendment relating to ineligibility for parole will be proposed to the voters of Georgia in the November, 1998, general election; and

WHEREAS, it is necessary to evaluate the current sentencing practices in the State of Georgia and consider alternatives for the implementation of a truth in sentencing system in Georgia; and

WHEREAS, there exists a need for deliberate, expert, and rational review and recommendations with respect to a consistent and workable approach to truth in sentencing in the Georgia criminal justice system.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that there is created the Bipartisan Joint Commission on Sentencing Reform to be

composed of 23 members. Five members shall be appointed by the Governor, three members shall be appointed by the Lieutenant Governor, three members shall be appointed by the Speaker, three members shall be appointed by the Minority Leader of the House of Representatives, three members shall be appointed by the Minority Leader of the Senate, three members shall be appointed by the chair of the Democratic Party of Georgia, and three members shall be appointed by the chair of the Republican Party of Georgia. The appointees shall not include members of the House or Senate but shall include representatives of trial and appellate courts, state and local law enforcement officials, persons with an expertise in the fields of criminal justice and sentencing, and victims' advocacy organizations. All appointments shall be made no later than April 15, 1998. The Governor shall designate a chair and vice chair of the commission. The chair shall call all meetings of the commission, provided that the commission's initial meeting shall be no later than May 1, 1998.

BE IT FURTHER RESOLVED that the commission shall have the responsibility of making recommendations to the Governor and the General Assembly on all matters related to the adoption and implementation of a truth in sentencing system for the State of Georgia. The commission's specific responsibilities shall be as follows:

- (1) To examine Georgia's current sentencing system and relevant data regarding other sentencing systems, including truth in sentencing, sentencing guidelines, and similar systems in other states and at the federal level, for the purpose of recommending an effective and workable plan for instituting truth in sentencing in Georgia;
- (2) To recommend, as part of the truth in sentencing plan, a mechanism for any necessary restructuring of current criminal sentences;
- (3) To evaluate current inmate population and cost projections and the population and fiscal impact of the truth in sentencing plan recommended by the commission;
- (4) To conduct public hearings throughout the State of Georgia for the purpose of receiving the views of citizens and informing them about the proposed truth in sentencing system; and
- (5) To recommend legislation which the commission deems necessary and appropriate.

BE IT FURTHER RESOLVED that the commission may conduct such meetings and public hearings at such places and at such times as it may deem necessary or convenient to enable it to exercise fully and effectively its duties and accomplish the purposes of this resolution. The members of the commission, including members of the public but not including other state officers or employees, shall receive the allowance authorized for legislative members of interim legislative committees but shall receive the same for not more than 20 days unless additional days are authorized. The funds necessary to carry out the provisions of this resolution shall come from funds appropriated to the General Assembly. The commission shall complete its work and issue its report to the General Assembly on or before December 15, 1998. The commission shall stand abolished on December 31, 1998.

Senator Walker of the 22nd moved that the Senate agree to the House substitute to SR 477, as amended by the following amendment:

Amend the House substitute to SR 477 by striking lines 8-10 of p.1 and renumbering the lines accordingly.

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

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
EX Dean	Y Langford	EX Thomas,N
Y Egan	Y Madden	Y Thompson
EX Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the motion, the yeas were 52, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SR 477, as amended by the Senate.

The Calendar was resumed.

SB 437. By Senators Tysinger of the 41st, Hooks of the 14th, Starr of the 44th and Perdue of the 18th:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change certain publication requirements for competitive bids; to require reporting of certain bid opportunities; to change the provisions regarding publishing notice of proposed projects requiring professional services and definitions and exemptions relating thereto.

Senator Tysinger of the 41st asked unanimous consent that SB 437 be dropped to the bottom of the Calendar. The consent was granted.

SB 522. By Senators Walker of the 22nd, Dean of the 31st, Harbison of the 15th and others:

A bill to amend Article 4 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, "The Telecommunications and Competition Development Act of 1995," so as to require a customer's written authorization before a telecommunications company may charge for any telecommunications or other type of service; to require that the charges for any new or changed services be stated in a separate and distinct manner.

The Senate Committee on Finance and Public Utilities offered the following amendment:

Amend SB 522 by striking line 30 of page 1 and inserting in lieu thereof the following:

"(b) This Code section shall not apply to any transaction between a customer and that customer's selected provider of basic local exchange, inter-LATA, or intra-LATA telecommunications services, wireless services, or requests for a"

On the adoption of the amendment, the yeas were 42, nays 0, and the committee amendment was adopted.

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Senators Perdue of the 18th, Walker of the 22nd, and Dean of the 31st offered the following amendment:

Amend SB 522 by striking lines 5 and 6 of page 1 and inserting in lieu thereof the following:

“company may charge for any service which is provided to the customer by a third party; to require that the charges for such new or”

By striking lines 21 and 22 of page 1 and inserting in lieu thereof the following:

“customer for any service which is provided to the customer by a third party until it has received the customer’s”

By striking lines 24 and 25 of page 1 and inserting in lieu thereof the following:

“initiates a new type of such third-party service or changes the type or types of such third-party service received, the invoice for such new or.”

By striking line 30 of page 1 and inserting in lieu thereof the following:

“(b) This Code section shall not apply to any transaction between a customer and that customer’s selected provider of basic local exchange, inter-LATA, or intra-LATA telecommunications services or initial requests to subscribe to such services; wireless services; or requests for a”

On the adoption of the amendment, the yeas were 41, nays 0, and the Perdue, et al. amendment was adopted.

Pursuant to Senate Rule 143, action on SB 522 was suspended and SB 522 was placed on the Senate General Calendar.

SR 492. By Senator Ragan of the 11th:

A resolution urging the Secretary of Agriculture and the Congress of the United States to take appropriate action to have the State of Georgia declared an agricultural disaster area.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Egan	Y Johnson,E
Y Balfour	EX Fort	Y Kemp
Y Blicht	Y Gillis	Y Lamutt
Y Boshears	Y Glanton	Y Land
Y Bowen	Y Gochenour	Y Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Y Brush	Y Harbison	Y Middleton
Y Burton	Y Henson	Y Oliver
Y Cagle	Hill	Perdue
Y Cheeks	Y Hooks	Y Price,R
Y Clay	Y Huggins	Y Price,T
Y Crofts	James	Y Ragan
EX Dean	Y Johnson,D	Y Ralston

Y Ray	Y Streat	Y Thompson
Y Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Y Walker
Y Stokes	Y Thomas,N	

On the adoption of the resolution, the yeas were 51, nays 0.

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

The following resolution was read and adopted:

SR 567. By Senators Perdue of the 18th, Walker of the 22nd, Clay of the 37th and many others:

A resolution commending and congratulating Lieutenant Governor Pierre Howard.

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 3:11 P.M., the President announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Wednesday, February 4, 1998
Thirteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1457. By Representative Greene of the 158th:

A bill to amend an Act providing a new charter for the City of Cuthbert, so as to change the provisions relating to the election, qualifications, and terms of office of the mayor and aldermen.

HB 1465. By Representative Stancil of the 91st:

A bill to reincorporate and provide a new charter for the City of Bostwick.

HB 1374. By Representatives Ehrhart of the 36th, Franklin of the 39th, Kaye of the 37th and others:

A bill to amend an Act creating the Board of Commissioners of Cobb County, so as to provide that neither Cobb County nor its agents or officials shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group.

HB 88. By Representatives Buck of the 135th, Barnes of the 33rd, Lee of the 94th and others:

A bill to amend Code Section 47-9-70 of the Official Code of Georgia Annotated, relating to retirement and eligibility for benefits under the Superior Court Judges Retirement System and related matters, so as to provide that members of such retirement system who were retired on July 1, 1996, with more than 16 years of creditable service shall receive a benefit increase for each year of service over 16 years.

HB 908. By Representatives Epps of the 131st, Stanley of the 50th, Holland of the 157th and others:

A bill to amend Code Section 3-3-23.1 of the Official Code of Georgia Annotated, relating to the procedure and penalties upon violation of Code Section 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age, so as to provide for different and stronger penalties for a person convicted of knowingly acting as agent to purchase or acquire alcoholic beverages for or on behalf of a person under 21 years of age.

HB 1315. By Representatives Purcell of the 147th, DeLoach of the 172nd, Lane of the 146th and others:

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A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to define certain terms; to provide for resident and non-resident commercial food shrimp cast netting licenses; to provide for the reporting of certain information relating to commercial fishing.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 741. By Representatives Mosley of the 171st and Byrd of the 170th:

A resolution designating a portion of Georgia Highway 23 in Wayne County as the "Reddish-Warren Bypass"

HR 844. By Representatives Scheid of the 17th, Holmes of the 53rd, Hudson of the 156th and others:

A resolution designating the Vickie E. Bell Memorial Bridge.

HR 973. By Representative Mosley of the 171st:

A resolution commending members of the Jesup Police Force and the Wayne County Sheriff's Department.

The following bills were introduced, read the first time and referred to committees:

SB 569. By Senators Dean of the 31st, Brown of the 26th and Marable of the 52nd:

A bill to amend Part 10 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Georgia Music Hall of Fame Authority, and Article 1 of Chapter 8 of Title 50, relating to general provisions governing the Department of Community Affairs, so as to eliminate the current members of the Georgia Music Hall of Fame Authority and make the membership of the Board of Community Affairs the members of the Authority.

Referred to Committee on Economic Development, Tourism and Cultural Affairs.

SB 570. By Senators Gillis of the 20th, Dean of the 31st, Bowen of the 13th and others:

A bill to amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person, so as to provide for the offense of the murder of a certified peace officer; to provide for an effective date and applicability.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 571. By Senator Oliver of the 42nd:

A bill to amend Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, to revise forms for surrender of rights and the mother's affidavit; to combine three forms for surrender of rights of a biological father into a single surrender form and to revise cross references accordingly; to provide for inclusion of information regarding American Indian heritage and the biological father's active duty in the armed services in the mother's affidavit.

Referred to Committee on Judiciary.

- SB 572. By Senators Madden of the 47th, Perdue of the 18th, Boshears of the 6th and Scott of the 36th:

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A bill to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number '911' Service Act of 1977," so as to provide for legislative findings and intent; to define certain terms; to require revision of the plan for implementing a state-wide emergency telephone number "911" system.

Referred to Committee on Finance and Public Utilities.

- SB 573. By Senators Ray of the 48th, Perdue of the 18th, Clay of the 37th and Price of the 28th:

A bill to amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures, so as to change the definition of zoning decision to include the grant of a special use permit.

Referred to Committee on State and Local Governmental Operations (General).

- SB 574. By Senators Hill of the 4th, Gillis of the 20th, Madden of the 47th and James of the 35th:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change requirements for the use of recycled paper by state institutions.

Referred to Committee on State and Local Governmental Operations (General).

- SB 575. By Senators Madden of the 47th, Streat of the 19th, Gillis of the 20th and others:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to provide for uniform reimbursement for hospital inpatient services; to provide for an effective date.

Referred to Committee on Health and Human Services.

- SB 576. By Senators Hooks of the 14th and Taylor of the 12th:

A bill to amend Part 13 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to organization of schools and school systems under the "Quality Basic Education Act," so as to provide that when three or more boards of education contract for operation of a joint school or schools, such boards of education shall, as a condition of receipt of state funding, establish an interdistrict governing body for such school or schools.

Referred to Committee on Education.

The following bills were read the first time and referred to committees:

- HB 88. By Representatives Buck of the 135th, Barnes of the 33rd, Lee of the 94th and others:

A bill to amend Code Section 47-9-70 of the Official Code of Georgia Annotated, relating to retirement and eligibility for benefits under the Superior Court Judges Retirement System and related matters, so as to provide that members of such retirement system who were retired on July 1, 1996, with

more than 16 years of creditable service shall receive a benefit increase for each year of service over 16 years.

Referred to Committee on Retirement.

HB 908. By Representatives Epps of the 131st, Stanley of the 50th, Holland of the 157th and others:

A bill to amend Code Section 3-3-23.1 of the Official Code of Georgia Annotated, relating to the procedure and penalties upon violation of Code Section 3-3-23, relating to furnishing alcoholic beverages to, and purchase and possession of alcoholic beverages by, a person under 21 years of age, so as to provide for different and stronger penalties for a person convicted of knowingly acting as agent to purchase or acquire alcoholic beverages for or on behalf of a person under 21 years of age.

Referred to Committee on Consumer Affairs.

HB 1315. By Representatives Purcell of the 147th, DeLoach of the 172nd, Lane of the 146th and others:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to define certain terms; to provide for resident and non-resident commercial food shrimp cast netting licenses; to provide for the reporting of certain information relating to commercial fishing.

Referred to Committee on Natural Resources.

HB 1374. By Representatives Ehrhart of the 36th, Franklin of the 39th, Kaye of the 37th and others:

A bill to amend an Act creating the Board of Commissioners of Cobb County, so as to provide that neither Cobb County nor its agents or officials shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group.

Referred to Committee on State and Local Governmental Operations.

HB 1457. By Representative Greene of the 158th:

A bill to amend an Act providing a new charter for the City of Cuthbert, so as to change the provisions relating to the election, qualifications, and terms of office of the mayor and aldermen.

Referred to Committee on State and Local Governmental Operations.

HB 1465. By Representative Stancil of the 91st:

A bill to reincorporate and provide a new charter for the City of Bostwick.

Referred to Committee on State and Local Governmental Operations.

HR 741. By Representatives Mosley of the 171st and Byrd of the 170th:

A resolution designating a portion of Georgia Highway 23 in Wayne County as the "Reddish-Warren Bypass"

Referred to Committee on Transportation.

HR 844. By Representatives Scheid of the 17th, Holmes of the 53rd, Hudson of the 156th and others:

A resolution designating the Vickie E. Bell Memorial Bridge.

Referred to Committee on Transportation.

The following ~~committee reports~~ were read by the Secretary:

Mr. President:

The Committee on Education has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 447. Do pass.

Respectfully submitted,

Senator Marable of the 52nd District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 207. Do pass by substitute.

SB 432. Do pass.

SB 542. Do pass.

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 473. Do pass by substitute.

SB 552. Do pass.

SB 513. Do pass by substitute.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1236. Do pass.

HB 1336. Do pass.

HB 1334. Do pass.

HB 1338. Do pass.

HB 1335. Do pass by substitute.

HB 1358. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolution were read the second time:

SB 426

SB 446

SB 481

SB 482

SB 500

SB 510

SB 514

SB 525

SB 531

SB 533

SB 537

SR 474

HB 844

HB 1131

HB 1180

The following communication was received by the Secretary:

To: Mr. Frank Eldridge, Jr., Secretary

From: Karen Thompson

Subject: Attendance: Sen. Donzella James

Date: February 4, 1998

This is to inform you that Senator Donzella James of the 35th will be absent today due to illness (bronchitis).

Please make a note in today's records.

Thank you.

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator James was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Balfour	Gochenour	Price,T
Blitch	Griffin	Ragan
Boshears	Guhl	Ralston
Bowen	Harbison	Ray
Broun, 46th	Hill	Roberts
Brown, 26th	Hooks	Scott
Brush	Huggins	Starr
Burton	Johnson,D	Stokes
Cagle	Kemp	Streat
Cheeks	Lamutt	Taylor
Crotts	Land	Thomas,D
Dean	Langford	Thomas,N
Egan	Madden	Turner
Fort	Marable	Tysinger
Gillis	Middleton	
Glanton	Price,R	

Those not answering were:

Abernathy	Johnson,E	Thompson
Clay	Oliver	Walker
Henson	Perdue(PRS)	
James (excused)	Tanksley	

The President Pro Tempore led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Thomas of the 10th introduced the chaplain of the day, Reverend Joan Armstrong, Unitarian Universalist Church, Smyrna, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 576. By Senators Stokes of the 43rd, Henson of the 55th, Oliver of the 42nd and others:

A resolution commending the National Council of Negro Women, Inc. (NCNW).

SR 577. By Senators Stokes of the 43rd, Henson of the 55th, Oliver of the 42nd and others:

A resolution commending the Atlanta Association of Insurance Professionals.

SR 578. By Senators Stokes of the 43rd, Henson of the 55th, Oliver of the 42nd and others:

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A resolution commending Honorable Cynthia Ann McKinney on the occasion of Sister to Sister Day at the Capitol.

SR 579. By Senators Stokes of the 43rd, Oliver of the 42nd, Henson of the 55th and others:

A resolution encouraging the placement of books on being a parent in the state's public libraries.

SR 580. By Senators Gillis of the 20th, Turner of the 8th, Hooks of the 14th and others:

A resolution recognizing the importance of the arts to the State of Georgia; commending the Georgia Citizens for the Arts.

HR 973. By Representative Mosley of the 171st:

A resolution commending members of the Jesup Police Force and the Wayne County Sheriff's Department.

The following local, uncontested bills of the House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, February 4, 1998

THIRTEENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1236 Broun, 46th
TOWN OF BOGART

A bill to reincorporate and provide a new charter for the Town of Bogart.

HB 1334 Broun, 46th
OCONEE COUNTY

A bill to provide a homestead exemption from Oconee County School District ad valorem taxes for educational purposes in the amount of \$10,000.00 of the assessed value of the homestead for the taxable year beginning on January 1, 1999, and \$15,000.00 of the assessed value of the homestead for taxable years beginning on or after January 1, 2000, for certain residents.

HB 1335 Broun, 46th
OCONEE COUNTY

A bill to amend an Act creating the Board of Commissioners of Oconee County, so as to change the provisions relating to bonds of the chairperson and members of the board of commissioners.(SUBSTITUTE)

HB 1336 Broun, 46th
 OCONEE COUNTY
www.libtool.com.cn

A bill to provide a homestead exemption from Oconee County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead for the taxable year beginning on January 1, 1999, and \$15,000.00 of the assessed value of the homestead for taxable years beginning on or after January 1, 2000, for certain residents.

HB 1338 Broun, 46th
 OCONEE COUNTY

A bill to amend an Act creating the Board of Elections and Registration of Oconee County, so as to change the membership of the board.

HB 1358 Thomas, 54th
 CITY OF COHUTTA

A bill to amend an Act creating a new charter for the City of Cohutta, so as to provide for the power of the mayor to vote on matters before the city council.

The substitute to the following bill was put upon its adoption:

HB 1335:

The Senate State and Local Governmental Operations Committee offered the following substitute to HB 1335:

A BILL

To be entitled an Act to amend an Act creating the Board of Commissioners of Oconee County, approved August 18, 1917 (Ga. L. 1917, p. 384), as amended, so as to change the provisions relating to bonds of the chairperson and members of the board of commissioners; to change the provisions relating to the powers and duties of the chairperson of the board of commissioners; to change the provisions relating to the compensation of the chairperson and the members of the board of commissioners; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Board of Commissioners of Oconee County, approved August 18, 1917 (Ga. L. 1917, p. 384), as amended, is amended by striking Section 6 of said Act and inserting in its place the following:

“SECTION 6.

Before entering the duties of the office of chairperson or commissioner, the chairperson and each member of the board of commissioners shall take the oath required of all civil officers of this state and shall be bonded in the amount of \$25,000.00 by a good and solvent bonding company authorized to do business in this state. Such bond shall be approved by the judge of the Probate Court of Oconee County, shall be filed in the office of the judge of the probate court, and shall be payable to the Governor of this state and the Governor's successor in office for the use of Oconee County. Such bond shall be conditioned on the faithful performance of the duties of the office of chairper-

son or commissioner. The cost of said bond shall be paid from the general funds of Oconee County.”

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SECTION 2.

Said Act is further amended by striking Section 9 of said Act and inserting in its place the following:

“SECTION 9.

(a) The chairperson of the board of commissioners shall have the following duties and responsibilities:

- (1) To act as the chief executive officer of the county;
- (2) To act as presiding officer at all meetings of the board, including the duty of preserving order and decorum at such meetings;
- (3) To state every question coming before the board and to announce the decision of the board on all subjects and to decide all questions of order, subject, however, to an appeal to the board, in which event a majority vote of the board shall govern and conclusively determine such question;
- (4) To exercise the right to vote to break a tie vote;
- (5) To execute all ordinances, resolutions, and contracts in behalf of the county;
- (6) To execute all evidences of indebtedness incurred by the county;
- (7) To act as ceremonial head of the county government; and
- (8) To exercise other duties that may be delegated to the chairperson by the board of commissioners.

(b) In the event of a vacancy in the office of the chairperson or the illness, incapacity, absence, or failure to act, the duties of the chairperson may be exercised by the vice chairperson. In the event of a vacancy, illness, absence, incapacity, or failure to act by the chairperson for a period exceeding 30 days, the vice chairperson, on approval of the board of commissioners, shall be compensated in the same amount as that provided for the office of chairperson.”

SECTION 3.

Said Act is further amended by striking Section 12 of said Act and inserting in its place the following:

“SECTION 12.

(a) The chairperson of the Board of Commissioners of Oconee County shall receive a base salary of 113 percent of the highest base salary payable to the following county officers: the sheriff, probate judge, tax commissioner, and clerk of superior court. ‘Base salary’ means the base salary determined by local law for said offices.

(b) The members of the board of commissioners shall each be paid a salary of 27 percent of the highest base salary payable to the following county officers: the sheriff, probate judge, tax commissioner, and clerk of superior court.

(c) The chairperson and members shall receive an additional amount of 5 percent of their respective salaries for each four-year term as a commissioner completed by such chairperson or member and an annual cost-of-living adjustment. Cost-of-living adjustments shall be determined in the same manner as for the county officers whose salary is used in the calculation of the salaries due the chairperson or the member.

(d) Said compensation shall be paid in equal monthly installments from the funds of the county.

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(e) The chairperson and members shall also be entitled to participate in the county's retirement program, health insurance coverage, life insurance coverage, and other benefits available to county employees, to be paid by the county."

SECTION 4.

This Act shall become effective on January 1, 1999.

SECTION 5.

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

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Price,R
Balfour	Y	Guhl	Y Price,T
Y Blitch	Y	Harbison	Y Ragan
Y Boshears		Henson	Y Ralston
Y Bowen	Y	Hill	Y Ray
Y Broun, 46th	Y	Hooks	Y Roberts
Brown, 26th	Y	Huggins	Scott
Y Brush	EX	James	Starr
Y Burton		Johnson,D	Y Stokes
Cagle		Johnson,E	Y Streat
Y Cheeks	Y	Kemp	Tanksley
Clay	Y	Lamutt	Y Taylor
Y Crotts	Y	Land	Y Thomas,D
Y Dean	Y	Langford	Y Thomas,N
Y Egan	Y	Madden	Thompson
Y Fort	Y	Marable	Y Turner
Y Gillis	Y	Middleton	Y Tysinger
Glanton	Y	Oliver	Y Walker
Y Gochenour		Perdue(PRS)	

On the passage of the local bills, the yeas were 40, nays 0.

All the bills on the Local Consent Calendar, except HB 1335, having received the requisite constitutional majority, were passed.

HB 1335, having received the requisite constitutional majority, was passed by substitute.

SENATE RULES CALENDAR

Wednesday, February 4, 1998

THIRTEENTH LEGISLATIVE DAY

SB 522 Telecommunications Company-customer authorization for certain changes (Amendments)(F&PU-22nd)

(Pursuant to Senate Rule 143, final passage of the bill was suspended on February 3, 1998.)

- www.libtool.com.cn
- SB 489 Ad Valorem Tax on Motor Vehicles-relating to previous exemption for disabled veterans (F&PU-16th)
 - SR 490 ~ Dr. Deryl Hart Road-designate portion of Georgia Highway 137 (Trans-16th)
 - HB 381 Public School Employees Retirement; increase benefit (Ret-5th) Childers-13th
 - SB 517 Local Option Sales Tax for Education-concurrent resolution requirements (Amendment)(F&PU-49th)
 - SR 368 Motorcycle Awareness and You Month-May, 1997 (Substitute) (Trans-24th)
 - HB 724 Employees' Retirement; district attorney's employees; membership (Ret-8th) Golden-177th
 - HB 944 Employees' Retirement; membership service; certain prior service (Ret-5th) Cummings-27th
 - HB 780 Judges of Probate Courts Retirement; amend provisions (Ret-5th) Jenkins-110th
 - HB 885 Employees' Retirement;certain broadcasting service; creditable service (Ret-53rd) Cummings-27th
 - SB 411 Arrest Warrants-electronic, telephonic applications (Substitute) (S Judy-5th)
 - HB 937 Employees' Retirement; district attorneys' employees; membership (Ret-5th) Floyd-138th
 - HB 336 Firemen's Pension Fund; certain prior service; creditable service (Ret-53rd) Cummings-27th

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

The following general bill of the Senate, having been read the third time and final action suspended on February 3, pursuant to Senate Rule 143, and placed on the Senate Rules Calendar for today, was continued upon its passage:

SB 522. By Senators Walker of the 22nd, Dean of the 31st, Harbison of the 15th and others:

A bill to amend Article 4 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, "The Telecommunications and Competition Development Act of 1995," so as to require a customer's written authorization before a telecommunications company may charge for any telecommunications or other type of

service; to require that the charges for any new or changed services be stated in a separate and distinct manner.

The committee amendment, previously adopted, appears in the Journal of February 3.

The amendment offered by Senators Perdue of the 18th, Walker of the 22nd, and Dean of the 31st, as it appears in the Journal of February 3, was automatically reconsidered.

On adoption of the amendment, the yeas were 35, nays 0, and the Perdue, et al. amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	Y Stokes
Cagle	Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue PRS	

On the passage of the bill, the yeas were 47, nays 0.

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

Senator Oliver of the 42nd introduced the doctor of the day, Dr. Walker Ray, of Tucker, Georgia.

The President assumed the Chair.

The Calendar was resumed.

SB 489. By Senators Land of the 16th and Harbison of the 15th:

A bill to amend Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, so as to change certain provisions relating to a previous constitutional exemption from ad valorem taxation for disabled veterans continued in effect as statutory law; to provide for a special election; to provide for effective dates.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Tanksley of the 32nd introduced the Mayor and officials from the City of Smyrna, commended by SR 575, adopted previously. The Mayor addressed the Senate briefly.

Senator Hill of the 4th introduced the Pinewood Christian Academy Girl's Softball Team, commended by SR 547, adopted previously.

Senator Hill of the 4th introduced the Pinewood Christian Academy's Varsity Football Team, commended by SR 548, adopted previously. The Principal, Mr. Dewey Hulsey, addressed the Senate briefly.

The Calendar was resumed.

SR 490. By Senators Land of the 16th and Hooks of the 14th:

A resolution honoring Dr. Deryl Hart and designating a portion of Georgia Highway 137 as the "Dr. Deryl Hart Road"

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Clay	Henson
Y Balfour	Y Crotts	Hill
Y Blitch	Y Dean	Y Hooks
Y Boshears	Y Egan	Y Huggins
Y Bowen	Y Fort	EX James
Y Broun, 46th	Y Gillis	Y Johnson,D
Y Brown, 26th	Y Glanton	Johnson,E
Y Brush	Y Gochenour	Y Kemp
Y Burton	Y Griffin	Y Lamutt
Y Cagle	Y Guhl	Y Land
Y Cheeks	Y Harbison	Y Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	Y Ray	Y Thomas,D
Y Middleton	Y Roberts	Y Thomas,N
Y Oliver	Y Scott	Y Thompson
Y Perdue	Y Starr	Y Turner
Y Price,R	Y Stokes	Y Tysinger
Y Price,T	Y Streat	Y Walker
Y Ragan	Y Tanksley	

On the adoption of the resolution, the yeas were 51, nays 0.

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

Senator Middleton of the 50th moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 39, nays 0; the motion prevailed, and Senator Ralston was excused.

The Calendar was resumed.

HB 381. By Representative Childers of the 13th:

A bill to amend Code Section 47-4-101 of the Official Code of Georgia Annotated, relating to retirement benefits under the Public School Employees Retirement System, so as to increase the retirement benefit.

Senate Sponsor: Senator Burton of the 5th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 0.

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

SB 517. By Senator Cagle of the 49th:

A bill to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the local option sales and use tax for educa-

tional purposes, so as to provide for concurrent resolution requirements; to change certain provisions regarding requirements and procedures with respect to such tax; to provide an effective date.

The Senate Finance and Public Utilities Committee offered the following amendment:

Amend SB 517 by striking "territory" and inserting in its place "full-time equivalent students" on line 21 of page 2.

On the adoption of the amendment, the yeas were 0, nays 38, and the amendment was lost.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 1.

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

Senator Lamutt of the 21st moved that Senator Clay of the 37th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Clay was excused.

The Calendar was resumed.

SR 368. By Senator Brush of the 24th:

A resolution recognizing the month of May, 1997, as "Motorcycle Awareness and You Month" in Georgia.

The Senate Committee on Transportation offered the following substitute to SR 368:

A RESOLUTION

Recognizing the month of May, 1998, as "Motorcycle Awareness and You Month" in Georgia; and for other purposes.

WHEREAS, motorcycle riding has become a popular form of recreation and transportation for thousands of people across the state and nation; and

WHEREAS, the safety problems created by motorcycle riding should be of great concern to motorcyclists as well as to all other motor vehicle operators; and

WHEREAS, it is especially important that the citizens of our state be aware of motorcycles on the streets and highways and recognize the importance of motorcycle safety; and

WHEREAS, all motorcycle organizations, clubs, dealerships, groups, and highway safety officials in our state should join with the Georgia Motorcycle Safety Program and the American Bikers Active Toward Education (ABATE) of Georgia, Inc., in actively promoting safe operation, increased rider training, improved licensing efforts, and motorist awareness; and

WHEREAS, during the month of May, 1998, all highway users should unite in the safe sharing of roadways throughout the State of Georgia; and

WHEREAS, in May, 1998, the ABATE of Georgia, Inc., will sponsor a motorcycle show and swap meet at the Lakewood Fairgrounds to promote May as Motorcycle Awareness and You Month.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE that this body recognizes the month of May, 1998, as "Motorcycle Awareness and You Month" in Georgia and urges all motor vehicle operators to join in this effort to keep our highways safe.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the ABATE of Georgia, Inc.

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 48, nays 0.

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

HB 724. By Representative Golden of the 177th:

A bill to amend Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership by superior court judges, district attorneys, and other court personnel in the Employees' Retirement System of Georgia, so as to provide that employees of a district attorney who are paid by the office of the district attorney may become members of such retirement system subject to certain conditions.

Senate Sponsor: Senator Turner of the 8th

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 944. By Representative Cummings of the 27th:

A bill to amend Code Section 47-2-334 of the Official Code of Georgia Annotated, relating to service retirement benefits, employee contributions, and related matters relative to members of the Employees' Retirement System of Georgia who became members on or after July 1, 1982, so as to provide that membership service may include certain prior service as a member of such retirement system.

Senate Sponsor: Senator Burton of the 5th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Boshears	Y Brown, 26th
Y Balfour	Bowen	Y Brush
Y Blicht	Y Broun, 46th	Y Burton

Y Cagle	Y Huggins	EX Ralston
Y Cheeks	EX James	Y Ray
EX Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Y Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Y Fort	Y Land	Y Streat
Y Gillis	Langford	Y Tanksley
Y Glanton	Y Madden	Y Taylor
Y Gochenour	Y Marable	Y Thomas,D
Y Griffin	Y Middleton	Y Thomas,N
Y Guhl	Y Oliver	Y Thompson
Y Harbison	Y Perdue	Y Turner
Henson	Y Price,R	Y Tysinger
Y Hill	Y Price,T	Y Walker
Y Hooks	Y Ragan	

On the passage of the bill, the yeas were 49, nays 0.

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

HB 780. By Representatives Jenkins of the 110th, Holland of the 157th, Barnes of the 33rd and Channell of the 111th:

A bill to amend Chapter 11 of Title 47 of the Official Code of Georgia Annotated, relating to the Judges of the Probate Courts Retirement Fund of Georgia, so as to change the amount of salary which may be considered earnings for purposes of such retirement fund; to change the employee contribution in such retirement fund.

Senate Sponsor: Senator Taylor of the 12th

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 47, nays 0.

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

HB 885. By Representative Cummings of the 27th:

A bill to amend Part 10 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to employees of certain state authorities and commissions, so as to provide for credit for prior service as an employee of the Foundation for Public Broadcasting in Georgia, Inc..

Senate Sponsor: Senator Tysinger of the 41st

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears		Henson	EX	Ralston
Y	Bowen		Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	EX	James		Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
N	Glanton	Y	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 48, nays 1.

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

SB 411. By Senators Burton of the 5th, Tysinger of the 41st, Ray of the 48th and others:

A bill to amend Article 3 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to warrants for arrest, so as to provide for hearing of applications for arrest by electronic or telephonic means in certain circumstances; to provide for related matters; to provide an effective date.

The Senate Committee on Special Judiciary offered the following substitute to SB 411:

A BILL

To be entitled an Act to amend Article 3 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to warrants for arrest, so as to provide that a judge of any court in this state authorized to issue arrest warrants pursuant to Code Section 17-4-40 may, as an alternative to other laws relating to the issuance of arrest warrants, conduct such applications for the issuance of arrest warrants by video conference; to provide that arrest warrant applications heard by video conference shall be conducted in a manner to

ensure that the judge conducting the hearing has visual and audible contact with all affiants and witnesses giving testimony; to provide for the signing of the affidavit for an arrest warrant, the arrest warrant, and other documents which shall comply with other provisions of law; to provide for the utilization of video conferences to conduct hearings relating to the issuance of initial bonds in connection with offenses for which arrest warrants are issued under certain circumstances; to provide for the administration of oaths to persons testifying by means of a video conference; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to warrants for arrest, is amended by adding at the end thereof a new Code section to read as follows:

“17-4-47.

(a) A judge of any court in this state authorized to issue arrest warrants pursuant to Code Section 17-4-40 may, as an alternative to other laws relating to the issuance of arrest warrants, conduct such applications for the issuance of arrest warrants by video conference.

(b) Arrest warrant applications heard by video conference shall be conducted in a manner to ensure that the judge conducting the hearing has visual and audible contact with all affiants and witnesses giving testimony.

(c) The affiant participating in an arrest warrant application by video conference shall sign the affidavit for an arrest warrant and any related documents by any reasonable means which identifies the affiant, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the person signing the affidavit and any related documents. The judge participating in an arrest warrant application by video conference shall sign the affidavit for an arrest warrant, the arrest warrant, and any related documents by any reasonable means which identifies the judge, including, but not limited to, his or her typewritten name, signature affixed by electronic stylus, or any other reasonable means which identifies the judicial officer signing the affidavit and warrant and any related documents. Such authorization shall be deemed to comply with the signature requirements provide for in Code Sections 17-4-45 and 17-4-46.

(d) A judge may also utilize a video conference to conduct hearings relating to the issuance of an initial bond connected with an offense for which an arrest warrant is issued provided that the setting of such bond is within the jurisdiction of that court.

(e) A judge hearing matters pursuant to this Code section shall administer an oath to any person testifying by means of a video conference.”

SECTION 2.

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

SECTION 3.

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

On the adoption of the substitute, the yeas were 38, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

HB 937. By Representatives Floyd of the 138th and Walker of the 141st:

A bill to amend Part 7 of Article 8 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System by superior court judges, district attorneys, and related matters, so as to provide that employees of district attorneys shall be members of such retirement system.

Senate Sponsor: Senator Burton of the 5th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Crotts	Y Hooks
Y Balfour	Y Dean	Y Huggins
Y Blitch	Egan	EX James
Y Boshears	Y Fort	Y Johnson,D
Y Bowen	Y Gillis	Y Johnson,E
Y Broun, 46th	N Glanton	Y Kemp
Y Brown, 26th	Y Gochenour	Y Lamutt
Y Brush	Y Griffin	Y Land
Y Burton	Y Guhl	Y Langford
Y Cagle	Y Harbison	Y Madden
Y Cheeks	Y Henson	Y Marable
EX Clay	Y Hill	Y Middleton

Y	Oliver		Roberts	Y	Thomas,D
	Perdue	Y	Scott	Y	Thomas,N
Y	Price,R	Y	Starr	Y	Thompson
Y	Price,T	Y	Stokes	Y	Turner
Y	Ragan	Y	Streat	Y	Tysinger
EX	Ralston	Y	Tanksley	Y	Walker
Y	Ray	Y	Taylor		

On the passage of the bill, the yeas were 48, nays 1.

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

HB 336. By Representatives Cummings of the 27th and Shanahan of the 10th:

A bill to amend Article 5 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Georgia Firemen's Pension Fund, so as to provide for creditable service for certain prior service.

Senate Sponsor: Senator Huggins of the 53rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	EX	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	EX	James		Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle		Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land		Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue		

On the passage of the bill, the yeas were 47, nays 0.

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

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:01 P.M., the President announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Thursday, February 5, 1998
Fourteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1298. By Representatives Sauder of the 29th, Cooper of the 31st, Parsons of the 40th and others:

A bill to amend an Act to provide for the method of filling vacancies on the Board of Education of Cobb County, so as to provide for the timing of a special election to fill vacancies.

HB 1468. By Representative Hudgens of the 24th:

A bill to provide a new charter for the City of Danielsville.

HB 1166. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill to provide supplementary appropriations for the state fiscal year ending June 30, 1998, in addition to any other appropriation heretofore or hereafter made for the operation of state government and the purposes provided for herein.

SB 418. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to provide for the nonpartisan nomination and election of the solicitor-general of the State Court of Glynn County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

The following bills were introduced, read the first time and referred to committees:

SB 568. By Senators Kemp of the 3rd, Bowen of the 13th and Hill of the 4th:

A bill to amend Code Section 40-8-73.1 of the Official Code of Georgia Annotated, relating to the prohibition against affixing certain materials which reduce light transmission through windows or windshields of motor vehicles, so as to prohibit any person who has a motor vehicle registered in this state from operating a motor vehicle in this state which has affixed thereto certain material and glazing which reduce to a certain degree light transmission through windows or windshields of the vehicle.

Referred to Committee on Public Safety.

SR 581. By Senator Middleton of the 50th:

A resolution authorizing the conveyance of certain state owned real property located in Lumpkin County, Georgia; to repeal an authorization provided in a certain 1996 resolution; to provide an effective date.

Referred to Committee on Finance and Public Utilities.

SR 583. By Senators Burton of the 5th, Harbison of the 15th, Broun of the 46th and others:

A resolution commending Pete Wheeler and providing for the designation of the "Pete Wheeler Georgia War Veterans Memorial Complex"

Referred to Committee on Defense and Veterans Affairs.

SR 585. By Senators Roberts of the 30th, Glanton of the 34th, Lamutt of the 21st and others:

A resolution recognizing suicide as a state problem.

Referred to Committee on Rules.

SR 586. By Senators Marable of the 52nd, Dean of the 31st, Walker of the 22nd and others:

A resolution recognizing the critical need for the establishment of minimum salaries for peace officers.

Referred to Committee on Public Safety.

SR 587. By Senators Marable of the 52nd, Hill of the 4th, Thomas of the 10th and others:

A resolution to encourage creation of graduate medical education curricula in geriatrics; to encourage the creation of graduate medical education fellowships in geriatrics; and to encourage the establishment of a visiting professorship in geriatrics to train faculty for medical universities.

Referred to Committee on Higher Education.

SR 588. By Senator Griffin of the 25th:

A resolution designating the Bobby Eugene Parham Food Service Facility at Central State Hospital.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 1166. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill to provide supplementary appropriations for the state fiscal year ending June 30, 1998, in addition to any other appropriation heretofore or hereafter made for the operation of state government and the purposes provided for herein.

Referred to Committee on Appropriations.

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

Referred to Committee on Appropriations.

HB 1298. By Representatives Sauder of the 29th, Franklin of the 39th, Cooper of the 31st and others:

A bill to amend an Act to provide for the method of filling vacancies on the Board of Education of Cobb County, so as to provide for the timing of a special election to fill vacancies.

Referred to Committee on State and Local Governmental Operations.

HB 1468. By Representative Hudgens of the 24th:

A bill to provide a new charter for the City of Danielsville.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 488. Do pass by substitute.

SB 508. Do pass by substitute.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1278. Do pass.

HB 1407 Do pass.

HB 1279. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Public Safety has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 443. Do pass.

SB 495. Do not pass.

SB 476. Do pass.

SB 536. Do pass.

SB 493. Do pass.

Respectfully submitted,

www.libtool.com.cn Senator Bowen of the 13th District, Chairman
Mr. President:

The Committee on Transportation has had under consideration the following bills and resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 487. Do pass as amended. SR 559. Do pass.
SB 518. Do pass. HR 844. Do pass.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

The following bills were read the second time:

SB 432 SB 447 SB 473 SB 513 SB 542 SB 552

The following communication was received by the Secretary:

To: Frank Eldridge, Jr., Secretary

From: Karen Thompson

Date: Thursday, February 5, 1998

This is to inform you that Senator Donzella J. James of the 35th will be absent from today's session due to illness (bronchitis).

I have asked Sen. Harbison to formally request that she be excused during roll call.

Thank you.

Senator Ralston of the 51st moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Middleton was excused.

Senator Dean of the 31st moved that Senator Walker of the 22nd be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Walker was excused.

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 35, nays 0; the motion prevailed, and Senator James was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Blitch	Fort	Lamutt
Boshears	Gillis	Land
Bowen	Glanton	Langford
Broun, 46th	Gochenour	Madden
Brown, 26th	Griffin	Marable
Brush	Guhl	Oliver
Burton	Harbison	Price,R
Cagle	Hill	Price,T
Cheeks	Hooks	Ragan
Clay	Huggins	Ralston
Crotts	Johnson,D	Ray
Dean	Johnson,E	Roberts
Egan	Kemp	Scott

Starr	Tanksley	Thomas,N
Stokes	Taylor	Turner
Streat	Thomas,D	Tysinger

Those not answering were:

Abernathy	James (excused)	Thompson
Balfour	Middleton (excused)	Walker (excused)
Henson	Perdue(PRS)	

The President Pro Tempore led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Hill of the 4th introduced the chaplain of the day, Lt. Col. Raymond Brown of Cleveland, Tennessee, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 582. By Senators Harbison of the 15th and Middleton of the 50th:

A resolution recognizing and commending the Dogwood Chapter of the Women Marines Association.

SR 584. By Senators Oliver of the 42nd and Balfour of the 9th:

A resolution recognizing and commending the Georgia Soccer Foundation.

The following local, uncontested bills of the House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Thursday, February 5, 1998

FOURTEENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1278 Bowen, 13th
CITY OF TIFTON

A bill to amend an Act amending an Act entitled "An Act to provide a new charter for the City of Tifton," so as to provide a date for a referendum.

HB 1279 Bowen, 13th
CITY OF TIFTON

A bill to amend an Act entitled "An Act to provide a new charter for the City of Tifton," so as to change the terms of office of certain council districts.

HB 1407 Thomas, 10th
Oliver, 42nd
CITY OF DECATUR

A bill to amend an Act creating a new charter for the City of Decatur in DeKalb County, so as to repeal certain duties and powers of the city manager with respect to educational affairs.

(2) The Georgia Board for Physician Workforce shall be composed of 15 members, all of whom are residents of this state, as follows:

- (A) Five members shall be primary care physicians;
- (B) Five members shall be physicians who are not primary care physicians;
- (C) Three members shall be representatives of hospitals which are not teaching hospitals, with at least one of those three members being a representative of a rural, nonprofit hospital;
- (D) One member shall be a representative from the business community;
- (E) One member shall have no connection with the practice of medicine or the provision of health care; and
- (F) The physicians on the board shall represent a diversity of medical disciplines, including, but not limited to, women's health, geriatrics, and children's health. The board shall represent the gender, racial, and geographical diversity of the state.

(3) All members of the board shall be appointed by the Governor and confirmed by the Senate. The terms of office of all the members of the Joint Board of Family Practice shall expire July 1, 1998, but only at such time on or after that date when all 15 of the initial members of the Georgia Board of Physician Workforce have been appointed and qualified. No such initial member shall exercise any power under this chapter until all 15 members have been appointed and qualified. The initial members of the board who are appointed thereto shall take office for initial terms of office as follows:

- (A) Two primary care physicians, two physicians who are not primary care physicians, and one representative of a hospital which is not a teaching hospital shall be appointed to two-year terms of office;
- (B) Two primary care physicians, two physicians who are not primary care physicians, and one representative of a hospital which is not a teaching hospital shall be appointed to four-year terms of office; and
- (C) The remainder of the board shall be appointed to six-year terms of office.

Thereafter, successors to such members shall be appointed for terms of six years. The Governor shall designate the term to which each initial member is appointed. All members shall serve until their successors are appointed and qualified. Members appointed under this paragraph shall be eligible to serve on the board until confirmed by the Senate at the session of the General Assembly next following their appointment.

(4) In case of a vacancy on the board by reason of death or resignation of a member or for any other cause other than the expiration of the member's term of office, the board shall by secret ballot elect a temporary successor. If the General Assembly is in session, the temporary successor shall serve until the end of that session. If the General Assembly is not in session, the temporary successor shall serve until the end of the session next following the vacancy or until the expiration of the vacated member's term of office, whichever occurs first. The Governor shall appoint a permanent successor who shall be confirmed by the Senate. The permanent successor shall take office on the first day after the General Assembly adjourns and shall serve for the unexpired term and until his or her successor is appointed and qualified.

(5) The office on the board of a member thereof who fails to attend more than three consecutive regular meetings of the board, without excuse approved by resolution of the board, shall become vacant.

(b) The board shall annually elect from its membership a chair, a vice-chair, and a secretary-treasurer by ballot. Meetings shall be held at the call of the chair or upon written request of a majority of the members. A majority of members then in office shall constitute a quorum and shall have the authority to act upon any matter properly brought before the board. The board shall keep permanent minutes and records of all its proceedings and actions.

(c) Each member of the board shall receive the same expense allowance per day as that received by a member of the General Assembly for each day or substantial portion thereof that such member of the board is engaged in the work of the board, in addition to such reimbursement for travel and other expenses as is normally allowed to state employees. No member of the board shall receive the above per diem for more than 30 days in any one calendar year.

(d) The board shall have the authority to employ such administrative staff as is necessary to carry out the functions of the board. Such staff members shall be employed within the limits of the appropriations made to the board.

(e) The board, as it deems appropriate, shall have the authority to appoint advisory committees to advise the board on the fulfillment of its duties. The members of the advisory committees shall not receive any per diem or reimbursements; provided, however, that such members shall receive the mileage allowance provided for in Code Section 50-19-7 for the use of a personal car in connection with attendance at meetings called by the board.

49-10-2.

The purpose of the board shall be to address the physician workforce needs of Georgia communities through the support and development of medical education programs.

49-10-3.

The board shall have the following powers, duties, and responsibilities:

(1) To locate and determine specific underserved areas of the state in which unmet priority needs exist for physicians by monitoring and evaluating the supply and distribution of physicians by specialty and geographical location;

(2) To approve and allocate state appropriations for family practice training programs, including but not limited to fellowships in geriatrics and other areas of need as may be identified by the board;

(3) To approve and allocate state appropriations for designated pediatric training programs;

(4) To approve and allocate any other state funds appropriated to the Georgia Board for Physician Workforce to carry out its purposes;

(5) To coordinate and conduct with other state, federal, and private entities, as appropriate, activities to increase the number of graduating physicians who remain in Georgia to practice with an emphasis on medically underserved areas of the state; and

(6) To carry out any other functions assigned to the board by general law.

49-10-4.

The board shall have the power to contract with other state and federal agencies, persons, corporations, associations, institutions, and authorities in carrying out its responsibilities. In addition, the board shall have the authority to adopt reasonable rules and regulations to carry out those responsibilities.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Ragan
Y Boshears	Henson	Y Ralston
Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Johnson,E	Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Y Tysinger
Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 45, nays 0.

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

SB 510. By Senators Perdue of the 18th, Oliver of the 42nd, Stokes of the 43rd and others:

A bill to amend Article 2 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to the crimes of assault and battery, so as to provide for the “Crimes Against Family Members Act of 1998”; to define the offense of family violence assault; to provide penalties for such offense; to provide a specific penalty for the offense of simple assault against a person who is 65 years of age or older.

Senator Glanton of the 34th offered the following amendment:

Amend SB 510 by deleting on pg. 2, line 21 starting after “children,” thru line 22 “household,”

deleting on pg. 4 line 18 starting after “children,” thru line 19 “household,”

deleting on pg. 5 line 36 starting after "children," thru line 37 "household,"
 deleting on pg. 110 line 1 after "children," thru line 2 "household,"

On the adoption of the amendment, the yeas were 7, nays 22, and the amendment was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

SB 531. By Senators Walker of the 22nd, Harbison of the 15th and Thomas of the 10th:

A bill to amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, known as the "Temporary Assistance for Needy Families Act," so as to change the provisions relating to eligibility for assistance; to change the provisions relating to assistance for qualified aliens.

The Senate Committee on Health and Human Services offered the following substitute to SB 531:

A BILL

To be entitled an Act to amend Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, known as the "Temporary Assistance for Needy Families Act," so as to change the provisions relating to assistance for qualified aliens; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 9 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, known as the "Temporary Assistance for Needy Families Act," Said article is amended by striking

subsection (b) of Code Section 49-4-188, relating to assistance for qualified aliens, and inserting in its place the following:

“(b) Qualified aliens who arrived in the United States prior to August 22, 1996, if otherwise eligible for assistance under the former Aid to Families with Dependent Children program, will continue to be eligible for assistance under the Georgia TANF Program upon meeting the same qualifications and conditions as other applicants. Qualified aliens who arrived in the United States on or after August 22, 1996, will not be eligible for TANF assistance, except to the extent required by federal law; provided, however, that such qualified aliens will be eligible for cash assistance until July 1, 1998 1999, unless such period is extended by enactment of the General Assembly, upon meeting the same qualifications and conditions as other applicants.”

SECTION 3.

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

On the adoption of the substitute, the President called for a roll call, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
N	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears		Henson	Y	Ralston
Y	Bowen	Y	Hill		Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue		

On the adoption of the substitute, the yeas were 47, nays 1, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y	Abernathy	N	Burton	Y	Gillis
N	Balfour	N	Cagle	N	Glanton
Y	Blitch	Y	Cheeks	N	Gochenour
Y	Boshears	N	Clay		Griffin
Y	Bowen	Y	Crotts	Y	Guhl
Y	Broun, 46th	Y	Dean	Y	Harbison
	Brown, 26th	Y	Egan		Henson
N	Brush	Y	Fort	Y	Hill

Y Hooks	EX Middleton	Y Stokes
Y Huggins	Y Oliver	Y Streat
EX James	Y Perdue	Y Tanksley
Y Johnson,D	N Price,R	Taylor
N Johnson,E	Y Price,T	Y Thomas,D
Y Kemp	Y Ragan	Y Thomas,N
N Lamutt	N Ralston	Y Thompson
Y Land	N Ray	Y Turner
Y Langford	N Roberts	N Tysinger
Y Madden	Y Scott	Y Walker
Y Marable	Y Starr	

On the passage of the bill, the yeas were 36, nays 14.

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

Senators Hill of the 4th and Harbison of the 15th introduced Major General William P. Bland, the Adjutant General of the State of Georgia, commended by SR 555, adopted previously, who addressed the Senate briefly.

The President introduced the doctor of the day, Dr. Harrison Rogers of Decatur, Georgia.

The following resolution was read and adopted:

SR 590. By Senator Balfour of the 9th:

A resolution commending the South Gwinnett High School Comets Fastpitch Softball Team.

Senator Balfour of the 9th introduced the South Gwinnett High School Comets Fastpitch Softball team and their coach. Coach Parham addressed the Senate briefly.

The Calendar was resumed.

SB 437. By Senators Tysinger of the 41st, Hooks of the 14th, Starr of the 44th and Perdue of the 18th:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change certain publication requirements for competitive bids; to require reporting of certain bid opportunities; to change the provisions regarding publishing notice of proposed projects requiring professional services and definitions and exemptions relating thereto.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Cagle	Y Glanton
Y Balfour	Y Cheeks	Y Gochenour
Y Blitch	Y Clay	Y Griffin
Y Boshears	Y Crotts	Y Guhl
Y Bowen	Y Dean	Y Harbison
Y Broun, 46th	Y Egan	Henson
Y Brown, 26th	Y Fort	Y Hill
Y Brush	Y Gillis	Y Hooks
Y Burton		Y Huggins

EX James	Oliver	Y Stokes
Y Johnson,D	Perdue	Y Streat
Y Johnson,E	Y Price,R	Tanksley
Y Kemp	Y Price,T	Y Taylor
Y Lamutt	Y Ragan	Y Thomas,D
Y Land	Y Ralston	Thomas,N
Y Langford	Y Ray	Y Thompson
Y Madden	Roberts	Y Turner
Y Marable	Scott	Y Tysinger
EX Middleton	Y Starr	Y Walker

On the passage of the bill, the yeas were 46, nays 0.

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

SB 426. By Senators Harbison of the 15th, Hill of the 4th and Glanton of the 34th:

A bill to amend Code Section 50-3-4.1 of the Official Code of Georgia Annotated, relating to displaying copies of national motto and American and Georgia flags in certain places.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 46, nays 0.

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

SB 471. By Senators Brush of the 24th and Thompson of the 33rd:

A bill to amend Code Section 40-2-77 of the Official Code of Georgia Annotated, relating to special license plates for antique or hobby or special interest vehicles, so as to change the authorized dimensions of such special license plates.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

HB 1131. By Representatives Childers of the 13th, Martin of the 47th, Snow of the 2nd and others:

A bill to amend an Act reorganizing the delivery of certain mental health and other services, so as to repeal a certain automatic repealer.

Senate Sponsor: Senator Ragan of the 11th.

Senators Clay of the 37th and Crofts of the 17th offered the following amendment:

Amend HB 1131 by adding a new Section 2 that reads:

This legislation will stand repealed on July 1, 2001, unless otherwise reauthorized by the General Assembly of Georgia.

Renumbering subsequent sections.

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Abernathy	Y Crofts	N Hooks
N Balfour	N Dean	N Huggins
N Blitch	Y Egan	EX James
Y Boshears	N Fort	N Johnson,D
N Bowen	N Gillis	Y Johnson,E
N Broun, 46th	Y Glanton	N Kemp
N Brown, 26th	Y Gochenour	N Lamutt
Y Brush	N Griffin	Y Land
N Burton	Y Guhl	N Langford
Y Cagle	N Harbison	N Madden
N Cheeks	Henson	N Marable
Y Clay	N Hill	EX Middleton

N Oliver	N Roberts	Y Thomas,D
N Perdue	N Scott	Thomas,N
Y Price,R	N Starr	N Thompson
Y Price,T	N Stokes	N Turner
N Ragan	N Streat	Y Tysinger
N Ralston	N Tanksley	N Walker
N Ray	N Taylor	

On the adoption of the amendment, the yeas were 15, nays 36, and the Clay, Crofts amendment was lost.

Senator Marable of the 52nd moved that Senator Henson of the 55th be excused. On the motion, the yeas were 49, nays 0; the motion prevailed, and Senator Henson was excused.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	EX Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Gillis of the 20th introduced Robert Cook, Georgia Artist of the Year, commended by SR 568, adopted previously, who addressed the Senate briefly.

The Calendar was resumed.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

HB 443. By Representatives Cummings of the 27th, Shanahan of the 10th and McBee of the 88th:

A bill to amend Code Section 47-2-120 of the Official Code of Georgia Annotated, relating to retirement allowances under the Employees' Retirement System of Georgia, so as to provide that members may retire with less than 30 years of service.

Senate Sponsor: Senator Burton of the 5th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison		Ragan
Y	Boshears	EX	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 47, nays 0.

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

Senator Walker of the 22nd moved that the Senate adjourn until 9 A.M. tomorrow; the motion prevailed, and at 12:03 P.M., the President Pro Tempore announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Friday, February 6, 1998
Fifteenth Legislative Day

www.libtool.com.cn

The Senate met pursuant to adjournment at 9:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1498. By Representatives Hudgens of the 24th, Heard of the 89th and McBee of the 88th:

A bill providing for the compensation for the coroner of Clarke County, so as to change the provisions relating to the coroner's salary.

HB 1503. By Representative DeLoach of the 172nd:

A bill to amend an Act entitled "An Act to provide a new charter for the City of Riceboro," so as to change the corporate limits.

HB 1353. By Representatives Walker of the 141st, Buck of the 135th, Sauder of the 29th and others:

A bill Amend Code Section 48-7-31 of the Official Code of Georgia Annotated, relating to taxation of corporations and allocation and apportionment of income, so as to authorize the state revenue commissioner to enter into an agreement with the taxpayer to establish an allocation and apportionment formula under certain conditions.

HB 1154. By Representative Barnes of the 33rd:

A bill to amend Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to specific periods of limitations of actions, so as to provide a period of limitation applicable to actions against persons engaged in the practice of land surveying.

HB 1087. By Representative Carter of the 166th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to provide that certain rules and regulations shall be used to establish certain criminal violations; to provide that the Board of Natural Resources is authorized to designate certain waters as trout waters and to establish seasons and methods of fishing; to repeal Code Section 27-4-52, relating to trout waters without seasons.

HB 1349. By Representative Floyd of the 138th:

A bill to amend Code Section 10-1-3 of the Official Code of Georgia Annotated, relating to requirements for retail installment contracts, limitations, and pre-

payment, so as to raise the amount of the acquisition cost allowed to the retailer when prepayment is made.

HB 1189. By Representatives Walker of the 141st, Skipper of the 137th, Royal of the 164th and others:

A bill to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to ad valorem taxation of property, so as to provide for the approval and filing of applications for preferential or current use assessment of tangible real property devoted to agricultural use, bona fide conservation use property, and bona fide residential transitional property.

SB 417. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to provide for the nonpartisan nomination and election of the clerk of the State Court of Glynn County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

SB 403. By Senator Land of the 16th:

A bill to amend Code Section 40-5-24 of the Official Code of Georgia Annotated, relating to motor vehicle instruction permits, graduated licensing, and related restrictions, so as to apply a driving record under a learner's permit previously issued by another state toward meeting eligibility requirements for a Class D driver's license.

The following bills were introduced, read the first time and referred to committees:

SB 577. By Senators Clay of the 37th, Ralston of the 51st and Price of the 56th:

A bill to amend Article 2 of Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage licenses and ceremony, so as to provide that an application supplement-marriage report must have a photocopy of a non United States citizen's passport, visa, diplomatic identification, legal alien identification, or other similar entry documentation attached thereto; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Youth, Aging and Human Ecology.

SB 578. By Senators Clay of the 37th, Ralston of the 51st and Price of the 56th:

A bill to amend Code Section 19-3-30 of the Official Code of Georgia Annotated, relating to issuance, return, and recording of marriage licenses, so as to prohibit non-citizens who are not legally residing in or visiting the United States from obtaining a marriage license in Georgia ; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Youth, Aging and Human Ecology.

SB 579. By Senators Clay of the 37th, Ralston of the 51st and Price of the 56th:

A bill to amend Code Section 31-10-9 of the Official Code of Georgia Annotated, relating to registration of births, so as to provide that a birth certificate shall be also filed in the county of residence of the mother if the mother resides in Georgia.

Referred to Committee on Youth, Aging and Human Ecology.

SB 580. By Senator Clay of the 37th:

~~A bill to amend Article 4 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to county and municipal hospital authorities, so as to provide that the Governor shall appoint a majority of the board of the joint county hospital authority which operates the largest facility in the state; to provide that the governing authority of each county and the largest municipality served shall appoint two board members each.~~

Referred to Committee on State and Local Governmental Operations (General).

SB 581. By Senator Clay of the 37th:

A bill to amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation system, and Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment, so as to eliminate the two-year limit on supervised probation; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 582. By Senators Clay of the 37th, Ralston of the 51st and Price of the 56th:

A bill to amend Chapter 5 of Title 29 of the Official Code of Georgia Annotated, relating to guardians of incapacitated adults, so as to provide that orders of the probate court for the protection of the proposed ward shall remain in effect during an appeal; to provide that orders for the protection of the assets shall remain in effect until a bond is posted; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Judiciary.

SB 583. By Senators Ray of the 48th, Price of the 56th, Burton of the 5th and Tysinger of the 41st:

A bill to amend an Act creating the board of commissioners of Gwinnett County, as amended, so as to provide for the compensation of the chairperson and members of the board.

Referred to Committee on State and Local Governmental Operations.

SB 584. By Senators Land of the 16th, Harbison of the 15th and Hooks of the 14th:

A bill to provide supplements to the salaries of the judges of the superior courts of the Chattahoochee Judicial Circuit from certain counties within the circuit; to provide the amount and method of payment of such supplements; to provide the amount of such supplements which certain counties within the circuit shall pay; to provide that such supplements shall be expenses of the superior courts; to provide an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 585. By Senators Fort of the 39th and Brown of the 26th:

A bill to amend Title 35 of the Official Code of Georgia Annotated, relating to law enforcement officers and agencies, so as to enact a new Chapter 11 thereof providing for certain mediation procedures applicable to compensation of municipal police officers; to provide for related matters; to provide an effective date.

Referred to Committee on Public Safety.

SB 586. By Senators Sreat of the 19th, Bowen of the 13th, Guhl of the 45th and others:

A bill to amend Article 2 of Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Georgia State Patrol, so as to change the requirements for appointment to the position of trooper; to provide an effective date.

Referred to Committee on Public Safety.

SB 587. By Senators Brown of the 26th, Hooks of the 14th, Blitch of the 7th and others:

A bill to amend Code Section 21-2-416 of the Official Code of Georgia Annotated, relating to methods of casting ballots in elections, so as to authorize straight party voting or modified straight party voting; to provide for an effective date and for applicability.

Referred to Committee on State and Local Governmental Operations (General).

SB 588. By Senators Johnson of the 2nd and James of the 35th:

A bill to amend Code Section 20-2-142 of the Official Code of Georgia Annotated, relating to public school prescribed courses and development and dissemination of instructional materials on effect of alcohol, so as to provide for a course of driver education.

Referred to Committee on Education.

SR 591. By Senators Clay of the 37th, Glanton of the 34th and Lamutt of the 21st:

A resolution urging Congress to reduce or eliminate the motor fuel tax on low sulphur fuels.

Referred to Committee on Transportation.

SR 593. By Senators Clay of the 37th, Price of the 56th and Lamutt of the 21st:

A resolution creating the Joint State Income Tax Reform Study Commission.

Referred to Committee on Rules.

SR 596. By Senators Ragan of the 11th and Marable of the 52nd:

A resolution creating the Senate Study Committee on Vocational Student Organizations.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 1087. By Representative Carter of the 166th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to provide that certain rules and regulations shall be used to establish certain criminal violations; to provide that the Board of Natural Resources is authorized to designate certain waters as trout waters and to establish seasons and methods of fishing; to repeal Code Section 27-4-52, relating to trout waters without seasons.

Referred to Committee on Natural Resources.

HB 1154. By Representative Barnes of the 33rd:

~~A bill to amend Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to specific periods of limitations of actions, so as to provide a period of limitation applicable to actions against persons engaged in the practice of land surveying.~~

Referred to Committee on Judiciary.

HB 1189. By Representatives Walker of the 141st, Skipper of the 137th, Royal of the 164th and others:

A bill to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to ad valorem taxation of property, so as to provide for the approval and filing of applications for preferential or current use assessment of tangible real property devoted to agricultural use, bona fide conservation use property, and bona fide residential transitional property.

Referred to Committee on Finance and Public Utilities.

HB 1349. By Representative Floyd of the 138th:

A bill to amend Code Section 10-1-3 of the Official Code of Georgia Annotated, relating to requirements for retail installment contracts, limitations, and prepayment, so as to raise the amount of the acquisition cost allowed to the retailer when prepayment is made.

Referred to Committee on Consumer Affairs.

HB 1353. By Representatives Walker of the 141st, Buck of the 135th, Sauder of the 29th and others:

A bill to amend Code Section 48-7-31 of the Official Code of Georgia Annotated, relating to taxation of corporations and allocation and apportionment of income, so as to authorize the state revenue commissioner to enter into an agreement with the taxpayer to establish an allocation and apportionment formula under certain conditions.

Referred to Committee on Finance and Public Utilities.

HB 1498. By Representatives Hudgens of the 24th, Heard of the 89th and McBee of the 88th:

A bill providing for the compensation for the coroner of Clarke County, so as to change the provisions relating to the coroner's salary.

Referred to Committee on State and Local Governmental Operations.

HB 1503. By Representative DeLoach of the 172nd:

A bill to amend an Act entitled "An Act to provide a new charter for the City of Riceboro," so as to change the corporate limits.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the secretary:

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following resolutions of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SR 527. Do pass.

SR 560. Do pass by substitute.

SR 530. Do pass.

SR 581. Do pass.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 431. Do pass by substitute.

HB 1222. Do pass.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 425. Do pass by substitute.

SB 541. Do pass.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 485. Do pass.

HB 1398. Do pass.

SB 532. Do pass.

HB 1399. Do pass.

SB 564. Do pass.

HB 1400. Do pass.

HB 1397. Do pass.

HB 1465. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolutions were read the second time:

SB 443

SB 476

SB 487

SB 488

SB 493

SB 508

SB 518

SB 536

SR 559

HR 844

Senator Land of the 16th moved that Senator Burton of the 5th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Burton was excused.

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator James was excused.

Senator Land of the 16th moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Ralston was excused.

Senator Gillis of the 20th asked unanimous consent that the roll call be dispensed with. The consent was granted, and the roll call was dispensed with.

The President assumed the Chair.

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Thompson of the 33rd introduced the chaplain of the day, Reverend Marvin Frady, pastor of Parkview Baptist Church, Austell, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 589. By Senators Perdue of the 18th, Ragan of the 11th, Gillis of the 20th and others:

A resolution recognizing and commending Hillary Smith.

SR 592. By Senator Clay of the 37th:

A resolution designating May, 1998, as Liver Awareness Month.

SR 594. By Senator Thomas of the 54th:

A resolution recognizing Carlton Petty for his gift to the State of Georgia and acts of conservation.

SR 595. By Senators Taylor of the 12th, Hooks of the 14th, Bowen of the 13th and others:

A resolution commending Honorable Sanford Bishop.

SR 597. By Senators Hill of the 4th, Dean of the 31st, Gillis of the 20th and others:

A resolution recognizing Emma Thompson Kelly for her outstanding musical talents.

SR 598. By Senator Oliver of the 42nd:

A resolution recognizing February 5, 1998, as "Girls and Women in Sports Day"

SR 599. By Senators Crotts of the 17th and Land of the 16th:

A resolution commending certain personnel.

Senator Middleton of the 50th introduced J. B. Jones, former Lumpkin County Commissioner, commended by SR 516, adopted previously, who addressed the Senate briefly.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Friday, February 6, 1998
FIFTEENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 564 Brush, 24th
 CITY OF GROVETOWN

A bill to provide a new charter for the City of Grovetown; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority.

HB 1397 Land, 16th
HARRIS COUNTY

A bill to amend an Act to change the compensation of the sheriff of Harris County from a fee system to a salary system, so as to authorize the governing authority to pay to the sheriff of Harris County a salary supplement of up to \$5,500.00 per year.

HB 1398 Land, 16th
HARRIS COUNTY

A bill to amend an Act to abolish the offices of tax receiver and tax collector of Harris County and consolidate said offices into the office of tax commissioner of Harris County, so as to authorize the governing authority to pay to the tax commissioner of Harris County a salary supplement of up to \$3,900.00 per year.

HB 1399 Land, 16th
HARRIS COUNTY

A bill to amend an Act to provide that the ordinary of Harris County be placed on a salary basis in lieu of a fee basis, so as to authorize the governing authority to pay to the probate judge of Harris County a salary supplement of up to \$4,100.00 per year.

HB 1400 Land, 16th
HARRIS COUNTY

A bill to amend an Act to provide that the clerk of the superior court of Harris County be placed on a salary basis in lieu of a fee basis, so as to authorize the governing authority to pay to the clerk of the superior court of Harris County a salary supplement of up to \$4,600.00 per year.

HB 1465 Griffin, 25th
CITY OF BOSTWICK

A bill to reincorporate and provide a new charter for the City of Bostwick.

The substitute to the following bill was put upon its adoption:

HB 1397:

Senator Land of the 16th offered the following substitute to HB 1397:

A BILL

To be entitled an Act to amend an Act to change the compensation of the sheriff of Harris County from a fee system to a salary system, approved March 17, 1960 (Ga. L. 1960, p. 2923), as amended, particularly by an Act approved April 25, 1969 (Ga. L. 1969, p. 3632), by an Act approved March 30, 1971 (Ga. L. 1971, p. 2549), and an Act approved March 25, 1974 (Ga. L. 1974, p. 3343), so as to authorize the governing authority to pay to the sheriff of Harris County a salary supplement of up to \$5,500.00 per year; to validate and confirm certain prior expenditures of county funds; to provide for the selection and compensation of deputies; to repeal certain obsolete provisions; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act to change the compensation of the sheriff of Harris County from a fee system to a salary system, approved March 17, 1960 (Ga. L. 1960, p. 2923), as amended, particularly by an Act approved April 25, 1969 (Ga. L. 1969, p. 3632), by an Act approved March 30, 1971 (Ga. L. 1971, p. 2549), and an Act approved March 25, 1974 (Ga. L. 1974, p. 3343), is amended by striking in its entirety Section 2 and inserting in lieu thereof a new Section 2 to read as follows:

"SECTION 2.

(a) The governing authority of Harris County is authorized to pay to the sheriff of Harris County a supplement of up to \$5,500.00 per year, payable in equal monthly installments from county funds, which supplement shall be in addition to the compensation, salary, expenses, and allowances presently being received by the sheriff of Harris County from the State of Georgia or any other source. In setting the amount of the supplement, the governing authority may take into consideration the sheriff's level of formal education, professional training, law enforcement experience, and management experience.

(b) Any prior expenditure by the governing authority of county funds in a manner authorized by this section is validated and confirmed."

SECTION 2.

Said Act is further amended by striking in its entirety Section 3 and inserting in lieu thereof a new Section 3 to read as follows:

"SECTION 3.

The sheriff of Harris County is authorized to select and determine the number of deputies. The governing authority of Harris county shall fix the salary of each of said deputies, to be paid in equal monthly installments out of county funds."

SECTION 3.

Said Act is further amended by repealing in its entirety Section 2A, which reads as follows:

"SECTION 2A.

The governing authority of Harris County shall be authorized to increase the compensation of the sheriff up to \$500.00 per annum on and after January 1, 1972."

SECTION 4.

Said Act is further amended by repealing in its entirety Section 4, which reads as follows:

“SECTION 4.

Two radio equipped automobiles, expenses for the maintenance thereof, including gas and oil consumed, used for county business, all necessary office expenses, rent, supplies, utilities, and materials, and all actual expenses for hotel, meals, and travel, when out of the county on county business, shall be furnished by Harris County to the sheriff of said county. The sheriff shall have an allowance for uniforms not to exceed \$500.00 for each uniformed deputy for the year 1967, and not to exceed \$150.00 for each such uniformed deputy for each year thereafter. The sheriff shall also have an allowance for uniforms not to exceed \$500.00 for the first year for each new or additional uniformed deputy, and not to exceed \$150.00 for each such deputy for each year thereafter. The sheriff shall consult with the governing authority of the county prior to purchasing any uniforms, and the governing authority shall pay for any such uniforms purchased upon itemized bills being submitted and certified by the sheriff. All such uniforms shall be and remain the property of the county. No other personal equipment shall be furnished. In the event the radio equipped automobiles as provided above have traveled 85,000 miles or more, the governing authority of Harris County shall replace either or both of the automobiles which have exceeded such maximum mileage limitation.”

SECTION 5.

This Act shall become effective on April 1, 1998.

SECTION 6.

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

On the adoption of the substitute, the yeas were 47, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Gillis	Y Langford
Y Balfour	Y Glanton	Y Madden
Y Blitch	Y Gochenour	Y Marable
Y Boshears	Y Griffin	Y Middleton
Y Bowen	Y Guhl	Y Oliver
Y Broun, 46th	Y Harbison	Perdue(PRS)
Y Brown, 26th	Henson	Y Price,R
Y Brush	Y Hill	Y Price,T
EX Burton	Y Hooks	Y Ragan
Cagle	Y Huggins	Y Ralston
Y Cheeks	EX James	Y Ray
Y Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Stokes
Fort	Y Land	Y Streat

Y	Tanksley		Thomas,N		Y	Tysinger
Y	Taylor		Y	Thompson	Y	Walker
Y	Thomas,D		Y	Turner		

On the passage of the local bills, the yeas were 47, nays 0.

The bills on the Local Consent Calendar, except HB 1397, having received the requisite constitutional majority, were passed.

HB 1397, having received the requisite constitutional majority, was passed by substitute.

SENATE RULES CALENDAR

Friday, February 6, 1998
FIFTEENTH LEGISLATIVE DAY

- | | | |
|----|-----|---|
| HB | 759 | Peace Officers' Annuity and Benefit; include certain children and youth services employees (Ret-34th) Parrish-144th |
| SB | 481 | Lead Hazard Reduction Program-abatement on person's property (Substitute)(Nat R-55th) |
| SB | 482 | Labor, Industrial Relations-protection of title of industrial hygienist (C Aff-55th) |
| SB | 514 | Natural Resources, Game and Fish-designation of conservation rangers (Nat R-20th) |
| SB | 337 | Tree Trimming on Rights of Way-vegetation maintenance program (Substitute)(Trans-33rd) |

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

Senator Johnson of the 2nd moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 32, nays 0; the motion prevailed, and Senator Stokes was excused.

Senator Marable of the 52nd moved that Senator Henson of the 55th be excused. On the motion, the yeas were 32, nays 1; the motion prevailed, and Senator Henson was excused.

Senator Dean of the 31st moved that Senator Turner of the 8th be excused. On the motion, the yeas were 32, nays 0; the motion prevailed, and Senator Turner was excused.

The following general bills were read the third time and put upon their passage:

HB 759. By Representatives Parrish of the 144th, Cummings of the 27th, Shanahan of the 10th and McBee of the 88th:

A bill to amend Article 1 of Chapter 17 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions regarding the Peace Officers' Annuity and Benefit Fund, so as to change the provisions relating to definitions.

Senate Sponsor: Senator Glanton of the 34th.

The report of the committee, which was favorable to the passage of the bill, was agreed to www.libtool.com.cn

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	N Guhl	N Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	EX Henson	Y Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	EX James	Y Starr
EX Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	N Tysinger
Y Glanton	Y Oliver	Walker
N Gochenour	Perdue (PRS)	

On the passage of the bill, the yeas were 40, nays 6.

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

The President resumed the Chair.

SB 481. By Senator Henson of the 55th:

A bill to amend Code Section 31-41-3 of the Official Code of Georgia Annotated, relating to definitions applicable to the lead hazard reduction program, so as to change certain definitions; to amend Code Section 31-41-4 of the Official Code of Georgia Annotated, relating to the creation of the lead hazard reduction program, so as to change certain provisions relating to abatement on a person's property.

SB 482. By Senator Henson of the 55th:

A bill to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to provide for the protection of the title of industrial hygienist; to provide for related matters.

The President stated that SB 481 and SB 482 would be dropped to the bottom of the Calendar because the bills' sponsor, Senator Henson of the 55th had been excused earlier.

SB 514. By Senator Gillis of the 20th:

A bill to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to make uniform certain new designations of conservation rangers; to amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions concerning game

and fish, so as to provide for a new designation of conservation rangers and to make certain provisions conform to such new designation.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	EX James	Y Starr
EX Burton	Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
N Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 1.

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

SB 337. By Senators Thompson of the 33rd, Streat of the 19th, Langford of the 29th and Brush of the 24th:

A bill to amend Code Section 32-6-75.2 of the Official Code of Georgia Annotated, relating to the authority of the commissioner of transportation to issue permits for the trimming of trees and vegetation on state rights of way, so as to provide for the establishment of an effective vegetation maintenance program for the promotion of tourism.

Senator Kemp of the 3rd moved that he be excused from voting on SB 337 pursuant to Senate Rule 175.

On the motion, the yeas were 33, nays 1, the motion prevailed, and Senator Kemp was excused.

The Senate Committee on Transportation offered the following substitute to SB 337:

A BILL

To be entitled an Act to amend Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to state highway system, so as to change certain provisions relating to the Outdoor Advertising Citizens Advisory Council and its membership, functions, election of officers, rules of operation, meetings, compensation, and expenses; to provide for a Roadside Enhancement and Beautification Council; to change certain provisions relating to authority of the commissioner of transportation to

issue permits for trimming trees and vegetation on state rights of way; to provide for legislative findings and declarations; to provide for a Roadside Enhancement and Beautification Fund; to change certain provisions relating to application for tree trimming permit and annual renewal, application fees, use of fees, landscape plan, and expenses of trimming; to provide for penalties and remedies for violations; to change certain provisions relating to promulgation of rules and regulations by the department of transportation; to provide for effectiveness on a date certain contingent upon ratification of a constitutional amendment; to provide for automatic repeal otherwise; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 2 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to state highway system, is amended by striking Code Section 32-6-75.1, relating to the Outdoor Advertising Citizens Advisory Council and its membership, functions, election of officers, rules of operation, meetings, compensation, and expenses, and inserting in lieu thereof the following:

“32-6-75.1.

(a)(1) The commissioner Governor shall appoint an Outdoor Advertising Citizens Advisory a Roadside Enhancement and Beautification Council composed of seven 12 members. The advisory council shall include the chairman chairperson of the Senate Transportation Committee; the chairman chairperson of the House Transportation Committee; a member from the Georgia Conservancy; a member from the Garden Clubs of Georgia, Inc.; a member of the faculty of the School of Environmental Design at the University of Georgia; a member from the Sierra Club; a member from the Georgia Wildlife Federation; two four members with business interests in the outdoor advertising industry of the Outdoor Advertising Association; and the director of the Operations Division of the Georgia Department of Transportation. The commissioner shall submit recommendations to the Governor for consideration thereby for purposes of selecting persons to be appointed to the council.

(2)(A) Terms of those members representing the Georgia Conservancy, the Garden Clubs of Georgia, and the School of Environmental Design and of two of those members representing the Outdoor Advertising Association shall expire on January 1, 2001, and quadrennially thereafter. Such members may be appointed to successive terms.

(B) Terms of those members representing the Sierra Club and the Georgia Wildlife Federation and of two of those members representing the Outdoor Advertising Association shall expire on January 1, 2003, and quadrennially thereafter. Such members may be appointed to successive terms.

(3) A landscape architect employed by the department and designated by the commissioner shall serve as an adviser to the council.

(b) ~~The advisory council shall aid the commissioner in formulating policies and discussing problems related to the administration of this article. In addition, the advisory council shall advise the commissioner on the standards and policies to be used by the department in the following specific areas:~~

(1) The study of whether the trimming of trees and vegetation on state rights of way should be permitted in front of legal and nonconforming outdoor advertising signs Review the performance of permittees holding current tree and vegetation

trimming permits issued under Code Section 32-6-75.3 for compliance with the requirements of such permits including without limitation the implementation of landscaping plans; and

(2) If the commissioner, after consultation with the advisory council, determines that such trimming should be permitted, the advisory council shall advise the department on the manner and standards under which such permits should be granted by the department, as well as the standards for the maintenance of such trimmed areas. Submit to the commissioner annually not later than 30 days after the date of its fourth quarter meeting a written report of findings based upon its reviews of permittees' performances and recommendations including without limitation any recommendations for expenditures from the Roadside Enhancement and Beautification Fund established pursuant to Code Section 32-6-75.2.

(c) The advisory council shall meet to elect a ~~chairman and vice-chairman~~ chairperson and vice chairperson and to establish the rules governing its operation. The advisory council shall meet at the call of the ~~chairman~~ chairperson and shall meet not less than semiannually nor more than 12 times per year quarterly.

(d) Each ~~advisory council member~~ councilmember shall be compensated at a rate of \$44.00 per day the same as that rate per day provided by law for members of the General Assembly serving on interim committees and shall be reimbursed for any necessary expenses. ~~Any~~, provided, however, that any full-time state employee on the advisory council shall draw no compensation but shall receive necessary expenses. The commissioner is authorized to pay such compensation and expenses from department funds.

(e) The Outdoor Advertising Citizens Advisory Council formerly provided by this Code section shall stand abolished on January 1, 1999."

SECTION 2.

Said part is further amended by striking Code Section 32-6-75.2, relating to authority of commissioner of transportation to issue permits for trimming trees and vegetation on state rights of way, which reads as follows:

"32-6-75.2.

Notwithstanding any other provisions of this title, the commissioner shall have the authority to issue permits and the annual renewal thereof for the trimming of trees and vegetation on the state's rights of way for the purposes of administering this article."

and by inserting in lieu thereof the following:

"32-6-75.2.

There is established a special fund to be known as the 'Roadside Enhancement and Beautification Fund.' This fund shall consist of all moneys paid into the fund under Code Section 32-6-75.3, any appropriations by the General Assembly to the fund, any contributions to the fund from any other source, and all interest thereon. All balances in the fund shall be deposited in an interest-bearing account identifying the fund and shall be carried forward each year so that no part thereof may be deposited in the general treasury. The department shall administer the fund and expend moneys held in the fund in furtherance of roadside enhancement and beautification projects along public roads in this state and administration of the tree and vegetation trimming permit program under Code Section 32-6-75.3. Contributions to the fund shall be deemed supplemental to and shall in no way supplant funding that would otherwise be appro-

riated for these purposes. The department shall prepare, by February 1 of each year, an accounting of the funds received and expended from the fund. The report shall be made available to the members of the State Transportation Board and to members of the public on request.”

SECTION 3.

Said part is further amended by striking in its entirety Code Section 32-6-75.3, relating to application for tree trimming permit and annual renewal, application fees, use of fees, landscape plan, and expenses of trimming, which reads as follows:

“32-6-75.3.

(a) Application for a tree trimming permit and the annual renewal thereof shall be made upon the forms prescribed and provided by the department and shall contain the signature of the applicant and such other information as may be required by the department’s rules and regulations. The applicant shall either:

(1) Attach to the application form a copy of the landscape plan for the area desired to be trimmed and after approval by the department shall trim the area at its own expense; or

(2) Request that the department develop a landscape plan and trim the area, and the applicant shall then reimburse the department for the plan and the trimming.

(b) An application fee of \$25.00 shall accompany the application for each tree trimming permit, and both the application and the fee shall be submitted to the department. There shall be a fee of \$25.00 for the annual renewal of the permit. The money received from these permit fees shall be used to help defray the expenses of administering this Code section, any provisions of Code Section 48-2-17 to the contrary notwithstanding.”,

and by inserting in lieu thereof the following:

“32-6-75.3.

(a) The General Assembly finds and declares that outdoor advertising provides a substantial service and benefit to Georgia and Georgia’s citizens as well as the traveling public. Therefore, the General Assembly declares it to be in the public interest that provisions be made for the visibility of outdoor advertising displays legally erected and maintained along the highways in this state in order to promote tourism and to provide information regarding places offering lodging, food, motor vehicle fuels and lubricants, motor service and repairs, or any other services or products available to the general public. Recognizing, however, that the beautification of this state and the health of its environment are absolutely essential and equally as important to the traveling public, the General Assembly finds and declares that these needs must be balanced.

(b)(1) So as to promote these objectives and in accordance with the provisions of this Code section, the commissioner shall provide by rule or regulation for the issuance and annual renewal of permits for the trimming and removal of trees and other vegetation on the state rights of way with respect to outdoor advertising displays legally erected and legally maintained adjacent to said rights of way.

(2) So as to ensure that no vegetation maintenance permits are issued for the purpose of creating new outdoor advertising signs, no owner of outdoor advertising displays erected after January 1, 1999, or such owner’s agent, will be eligible to make application for vegetation maintenance for a period of five years from the date a new display is erected.

(c) Application for a tree or vegetation trimming or removal permit and the annual renewal thereof shall be made upon the forms prescribed and provided by the department and shall contain the signature of the applicant and such other information as may be required by the department's rules and regulations. The applicant shall either:

(1) Attach to the application form a copy of the landscape plan for the area desired to be trimmed or from which vegetation is to be removed and after approval by the department shall trim or remove vegetation from the area at its own expense; or

(2) Request that the department develop a landscape plan and trim or remove vegetation from the area, and the applicant shall then reimburse the department for the plan and the trimming or removal.

(d) An application fee of \$50.00 shall accompany the application for each such permit, and both the application and the fee shall be submitted to the department. There shall be a fee of \$50.00 for the annual renewal of the permit.

(e)(1) The department shall evaluate each application for a permit under this Code section and require as a condition of granting any permit under this Code section that the value of the landscaping to be either provided or paid for by the applicant is not less than the department's appraised value of the benefit to be conferred by the state upon the applicant by allowing the trimming or removing of trees or other vegetation as requested, including without limitation the value of the trees or vegetation to be trimmed or removed; provided, however, that a permit may be granted to an otherwise qualified applicant in a case where the value of the landscaping to be either provided or paid for by the applicant is less than the department's appraised value of the benefit to be conferred by the state upon the applicant by allowing the trimming or removing of trees or other vegetation as requested if, in addition, the applicant pays to the department an amount equal to the amount of the difference between the value of the landscaping to be either provided or paid for by the applicant and the department's appraised value of the benefit to be conferred by the state upon the applicant by allowing the trimming or removing of trees or other vegetation as requested.

(2)(A) No cutting or removal of any tree having a diameter outside bark of more than eight inches at a height of six inches above ground level, any historic or endangered species tree, or any trees planted as part of any local, state, or federal government project shall be permitted under this Code section.

(B) Pruning or trimming of trees under a permit shall conform to applicable standards of the American Arborist Association as of January 1, 1998.

(3) An applicant's record of conduct regarding disturbance of trees or other vegetation on state rights of way shall be considered by the department as part of the evaluation process for any permit or permit renewal application.

(4) Prior to approving any permit application to remove allegedly diseased trees, the department shall verify that such trees are in fact diseased. Such determination shall be made by the department's landscape architect.

(5) A performance bond in an amount adequate for the requirements of the permit as determined by the department shall be required of each permittee.

(f)(1) No trees or other vegetation on state rights of way shall be trimmed or removed other than in accordance with a permit issued under this Code section by any person other than the department or an authorized agent or contractor thereof.

(2) No conforming outdoor advertising sign to which a permit under this Code section is applicable shall be unused for advertising for a period of six consecutive months or more.

(3) On and after July 1, 1999, no outdoor advertising sign to which a permit under this part is applicable shall be maintained in such a condition of disrepair as to be unusable for advertising.

(4)(A) In cases where the department believes that a violation of this subsection has been committed by any person, the procedures provided under Code Section 32-6-95 shall apply the same as in cases wherein the department believes that a sign is being maintained in violation of this part.

(B) Following notice, hearing, and a finding that a person has committed a violation of paragraph (1) of this subsection, a civil fine of not less than \$10,000.00 nor more than \$20,000.00 shall be imposed on such person.

(C) Following notice, hearing, and a finding that a permittee under this Code section has committed a violation of paragraph (2) of this subsection, an order directing the removal of such unused sign shall be issued.

(D) Following notice, hearing, and a finding that a permittee under this Code section has committed a violation of paragraph (3) of this subsection, an order directing the removal of such unusable sign shall be issued.

(g) All funds collected pursuant to this Code section shall be deposited into the Roadside Enhancement and Beautification Fund provided under Code Section 32-6-75.2."

SECTION 4.

Said part is further amended by striking Code Section 32-6-90, relating to promulgation of rules and regulations by the department of transportation, and inserting in lieu thereof the following:

"32-6-90.

The department is authorized to promulgate rules and regulations governing the issuance and revocation of permits for the erection and maintenance of outdoor advertising which is authorized by Code Sections 32-6-72 and 32-6-73 and which is not prohibited by this part. The department is further authorized to promulgate rules and regulations governing the issuance, revocation, and renewal of permits for the trimming of trees and vegetation on the state's rights of way authorized by and in accordance with Code Section ~~32-6-75.2~~ 32-6-75.3. Such rules and regulations shall be consistent with the safety and welfare of the traveling public, and as may be necessary to carry out the policy of the state declared in this part, and consistent with the purposes of the Highway Beautification Act of 1965, Public Law 89-285, as amended, and contained in Title 23, United States Code. The department is further authorized to promulgate such rules and regulations as are necessary to carry out this part."

SECTION 5.

This Act shall become effective on January 1, 1999, upon the ratification of a resolution at the November 1998 state-wide election which amends the Constitution so as to authorize the General Assembly to provide by general law for a roadside enhancement and beautification fund from which funds shall be disbursed for enhancement and beautification of public rights of way, for allocation of revenue from tree and vegetation trimming permit fees and additional assessments thereto to such fund, for nonlapsing of moneys paid into such fund, and that such Act may originate in the Senate. If such a resolution

is not so ratified, this Act shall not become effective and shall stand repealed in its entirety on January 1, 1999.

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SECTION 6.

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

Senators Thompson of the 33rd, and Johnson of the 1st offered the following amendment:

Amend the Senate Committee on Transportation substitute to SB 337 by striking lines 19 through 20 on page 7 and inserting in lieu thereof the following:

“conform to industry standards as defined by the National Arborist Association, International Society of Arboriculture and ANSI A300 pruning standards as of January 1, 1998.”

By striking the word “believes” on line 5 of page 8 and inserting in lieu thereof “has reasonable cause to believe”

By inserting between lines 25 and 26 on page 8 the following:

“(E) The department or its authorized agents shall be authorized to enter upon private lands and disassemble and remove signs without civil or criminal liability therefor pursuant to an order issued in accordance with this paragraph and as provided by Code Section 32-6-96 for disassembly and removal of illegal outdoor advertising signs.”

On the adoption of the amendment, the yeas were 47, nays 0, and the Thompson, Johnson of the 1st amendment (25 0205) to the committee substitute was adopted.

Senators Thompson of the 33rd and Johnson of the 1st offered the following amendment #2:

Amend the Senate Committee on Transportation substitute to SB 337 by inserting “and removing” at the end of line 9 on page 1.

By inserting “and removal” at the end of line 13 on page 1.

By inserting “of Georgia, Inc.” after the word “Association” on line 12 of page 2.

By inserting “and removal” after the word “trimming” on line 1 of page 3.

By striking “erected” and inserting in lieu thereof “permitted” on line 9 of page 6.

By striking lines 15 through 25 of page 6 and inserting in lieu thereof “the department’s rules and regulations.”

By striking the word “conforming” on line 39 of page 7.

By striking the word “part” on line 2 of page 8 and inserting in lieu thereof “Code section”

On the adoption of the amendment, the yeas were 45, nays 0, and the Thompson, Johnson of the 1st amendment #2 (25 0206) to the committee substitute was adopted.

Senators Thompson of the 33rd and Ray of the 48th offered the following amendment #3:

Amend the Senate Committee on Transportation substitute to SB 337 by striking lines 34 through 43 on page 2 and lines 1 through 17 on page 3 and inserting in lieu thereof the following:

~~“(b) The advisory council shall aid the commissioner in formulating policies and discussing problems related to the administration of this article. In addition, the advisory council shall advise the commissioner on the standards and policies to be used by the department in the following specific areas:~~

~~(1) The study of whether the trimming of trees and vegetation on state rights of way should be permitted in front of legal and nonconforming outdoor advertising signs, and Review, comment upon, and make recommendations to the commissioner on the standards and policies to be used in the trimming and removal of vegetation on state rights of way in front of legally erected and maintained outdoor advertising signs;~~

~~(2) If the commissioner, after consultation with the advisory council, determines that such trimming should be permitted, the advisory council shall advise the department on the manner and standards under which such permits should be granted by the department, as well as the standards for the maintenance of such trimmed areas. Make recommendations to the department regarding standards for vegetation removal and landscape and maintenance plans submitted by permittees;~~

~~(3) Review the performance of permittees holding current tree and vegetation trimming permits issued under Code Section 32-6-75.3 for compliance with the requirements of such permits including without limitation the implementation of landscaping plans;~~

~~(4) Encourage the contribution of funds from appropriate sources to the Roadside Enhancement and Beautification Fund established pursuant to Code Section 32-6-75.2;~~

~~(5) Submit to the commissioner annually not later than 30 days after the date of its fourth quarter meeting a written report of findings based upon its reviews of permittees' performances and recommendations including without limitation any recommendations for expenditures from the Roadside Enhancement and Beautification Fund established pursuant to Code Section 32-6-75.2; and~~

~~(6) Perform such other functions as may be specified for the council by the department.~~

The council shall have full and complete access to all department records necessary for the performance of its duties.”

On the adoption of the amendment, the yeas were 46, nays 0, and the Thompson, Ray amendment #3 (25 0200) to the committee substitute was adopted.

Senators Ray of the 48th and Thompson of the 33rd offered the following amendment #4:

Amend the Senate Committee on Transportation substitute to SB 337 by striking lines 26 through 30 of page 6 and inserting in lieu thereof the following:

“(d) An application fee shall accompany the application for each vegetation maintenance permit and both the application and fee shall be submitted to the department. There shall be an annual renewal of the permit for activities in the original scope of the permit. The department shall promulgate rules and regulations setting forth the application fees and renewal fees. Such application and renewal fees shall be established by the department in reasonable amounts in order to fully recover the costs of administering the vegetation maintenance program.”

On the adoption of the amendment, the yeas were 46, nays 0, and the Ray, Thompson amendment #4 (25 0201) to the committee substitute was adopted.

Senator Egan of the 40th offered the following amendment #5:

Amend the committee substitute to SB 337 by striking the word "substantial" on line 21 page 5

On the adoption of the amendment, the yeas were 10, nays 35, and the Egan amendment #5 to the committee substitute was lost.

Senator Cheeks of the 23rd moved that he be excused from voting on SB 337 pursuant to Senate Rule 175.

On the motion, the yeas were 40, nays 1; the motion prevailed, and Senator Cheeks was excused.

On the adoption of the committee substitute, the yeas were 45, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
EX Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	EX Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 50, nays 0.

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

SB 481. By Senator Henson of the 55th:

A bill to amend Code Section 31-41-3 of the Official Code of Georgia Annotated, relating to definitions applicable to the lead hazard reduction program, so as to change certain definitions; to amend Code Section 31-41-4 of the Official Code of Georgia Annotated, relating to the creation of the lead hazard reduction program, so as to change certain provisions relating to abatement on a person's property.

The Senate Committee on Natural Resources offered the following substitute to SB 481:

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A BILL

To be entitled an Act to amend Chapter 41 of Title 31 of the Official Code of Georgia Annotated, relating to lead poisoning prevention, so as to change certain definitions; to change certain provisions relating to abatement on a person's property; to provide for enforcement and penalties; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 41 of Title 31 of the Official Code of Georgia Annotated, relating to lead poisoning prevention, is amended by striking in its entirety Code Section 31-41-3, relating to definitions applicable to the lead hazard reduction program, and inserting in lieu thereof the following:

"31-41-3.

As used in this chapter, the term:

(1) 'Abatement' means any set of measures designed to eliminate lead-based paint hazards, in accordance with standards developed by the ~~department~~ board, including:

(A) Removal of lead-based paint and lead contaminated dust, the permanent containment or encapsulation of lead-based paint, the replacement of lead-painted surfaces or fixtures, and the removal or covering of lead contaminated soil; and

(B) All preparation, cleanup, disposal, and postabatement clearance testing activities associated with such measures.

(2) 'Accessible surface' means an interior or exterior surface painted with lead-based paint that is accessible for a young child to mouth or chew.

(2.1) 'Board' means the Board of Natural Resources of the State of Georgia.

(3) 'Department' means the Department of Natural Resources.

(4) 'Friction surface' means an interior or exterior surface that is subject to abrasion or friction, including certain window, floor, and stair surfaces.

(5) 'Impact surface' means an interior or exterior surface or fixture that is subject to damage by repeated impacts, for example, certain parts of door frames.

(6) 'Inspection' means a surface by surface investigation to determine the presence of lead-based paint ~~or lead-based paint hazards~~ and the provision of a report explaining the results of the investigation.

(7) 'Interim controls' means a measure or set of measures as specified by the ~~department~~ board taken by the owner of a structure that are designed to control temporarily human exposure or likely exposure to lead-based paint hazards.

(8) 'Lead-based paint' means paint or other surface coatings that contain lead in excess of limits established by ~~the department~~ board regulation.

(9) 'Lead-based paint activities' means the inspection and assessment of lead hazards and the planning, implementation, and inspection of interim controls and abatement activities as determined by the department.

(10) 'Lead-based paint hazard' means any condition that causes exposure to lead from lead contaminated dust, lead contaminated soil, or lead contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established pursuant to Section 403 of the Toxic Substance Control Act.

~~(9)~~(11) 'Lead contaminated dust' means surface dust in residential dwellings or in other facilities occupied or regularly used by children that contains an area or mass concentration of lead in excess of levels determined by the department to pose a threat of adverse health effects in pregnant women or young children pursuant to Section 403 of the Toxic Substance Control Act.

~~(10)~~(12) 'Lead contaminated soil' means bare soil on residential real property or on other sites frequented by children that contains lead at or in excess of levels determined to be hazardous to human health by the department pursuant to Section 403 of the Toxic Substance Control Act.

~~(11)~~(13) 'Lead contaminated waste' means any discarded material resulting from an abatement activity that fails the toxicity characteristics determined by the department.

~~(12)~~(14) 'Lead contractor firm' means a person employing or contracting with persons engaged in lead hazard reduction activities and self-employed persons who engage in lead hazard reduction company, partnership, corporation, sole proprietorship, association, or other business entity that employs or contracts with persons to perform lead-based paint activities.

~~(13)~~ 'Lead hazard' means any condition that causes exposure to lead from lead contaminated dust, lead contaminated soil, or lead contaminated paint that is deteriorated or present in accessible surfaces, friction surfaces, or impact surfaces that would result in adverse human health effects as established by the department.

(14) 'Lead hazard reduction activities' means the inspection and assessment of lead hazards and the planning, implementation, and inspection of interim controls and abatement activities as determined by the department.

~~(16)~~(15) 'Lead inspector' means a person who conducts inspections to determine the presence of lead-based paint or lead-based paint hazards.

~~(15)~~(16) 'Lead hazard reduction planner/project project designer' means a person who plans or designs abatement activities and interim controls.

~~(17.1)~~(17) 'Lead risk Risk assessor' means a person who conducts on-site risk assessments of lead hazards.

(18) 'Lead supervisor' means a person who supervises and conducts abatement of lead-based paint hazards.

~~(18)~~(19) 'Lead worker' 'Worker' means any person performing lead hazard reduction activities.

~~(17)~~(20) 'Risk assessment' means an on-site investigation to determine and report the existence, nature, severity, and location of lead-based paint hazards in or on any structure or site, including:

- (A) Information gathering regarding the age and history of the structure and the occupancy or other use by young children;
- (B) Visual inspection;
- (C) Limited wipe sampling or other environmental sampling techniques;

- (D) Other activity as may be appropriate; and
 (E) ~~Provision of a report~~ explaining the results of the investigation.”

SECTION 2.

Said chapter is further amended by striking in its entirety Code Section 31-41-4, relating to the creation of the lead hazard reduction program, and inserting in lieu thereof the following:

“31-41-4.

(a) There is established the Georgia Lead-Based Paint Hazard Reduction Program. The Department of Natural Resources is designated as the state agency responsible for implementation, administration, and enforcement of such program. The commissioner may delegate such duties to the Environmental Protection Division.

(b) The Board of Natural Resources not later than one year after the effective date of regulations promulgated by the federal Environmental Protection Agency relating to lead paint abatement certification programs shall issue regulations requiring the development and approval of training programs for the licensing or certification of persons performing ~~lead lead-based paint hazard detection or lead hazard reduction services~~ lead-based paint activities, which may include, but shall not be limited to, lead inspectors, lead risk assessors, ~~lead hazard reduction planners and~~ project designers, ~~lead contractors~~ firms, lead supervisors, and lead workers of such persons. The regulations for the approval of training programs shall include minimum requirements for approval of training providers, curriculum requirements, training hour requirements, hands-on training requirements, examinations of competency and proficiency, and training program quality control. The approval program shall provide for reciprocal approval of training programs with comparable requirements approved by other states or the United States. The approval program may be designed to meet the minimum requirements for federal approval under Section 404 of the federal Toxic Substances Control Act and the department may apply for such approval. The department shall establish fees for approval of such training programs.

(c)(1) The Board of Natural Resources not later than one year after the effective date of regulations promulgated by the federal Environmental Protection Agency relating to lead paint abatement certification programs shall establish training and licensure requirements for lead inspectors, lead risk assessors, lead reduction planners/project designers, lead contractors, and certification requirements for their firms, lead supervisors, and lead workers. No person shall be licensed under this chapter unless such person has successfully completed the appropriate training program, passed an examination approved by the department for the appropriate category of license, and completed any additional requirements imposed by the board by regulation. The department is authorized to accept any ~~lead lead-based paint hazard~~ training completed after January 1, 1990, in full or partial satisfaction of the training requirements. The board may establish requirements for periodic refresher training for all licensees as a condition of license renewal. The board shall establish examination fees, license fees, and renewal fees for all licenses issued under this chapter, provided that such fees shall reflect the cost of issuing and renewing such licenses, regulating licensed activities, and administering the program.

(2) On and after the effective date of regulations promulgated by the board as provided in subsection (b) of this Code section, no person shall perform or represent that such person is qualified to perform any ~~lead hazard reduction~~ lead-based paint

activities ~~for compensation~~ unless such person possesses the appropriate licensure or certification as determined by the board or unless such person is:

(A) An owner performing abatement upon that person's own property, or owner's residential dwelling unit in which he or she resides;

(B) An employee of a property management company doing routine cleaning and repainting upon property managed by that company where there is insignificant damage, wear, or corrosion of existing lead-containing paint or coating substances; or

(C) An owner routinely cleaning or repainting his or her property where there is insignificant damage to, wear of, or corrosion of existing lead-containing paint or coating substances.

(3) A person who is employed by a state or county health department or state or federal agency to conduct lead investigations to determine the sources of lead poisonings, as determined by the department, shall be subject to licensing pursuant to paragraph (2) of this subsection as a lead ~~inspector~~ risk assessor but shall not be required to pay any fees as otherwise required under this chapter or under rules and regulations promulgated by the board under this chapter.

(d) The board shall promulgate regulations establishing standards of acceptable professional conduct for the performance of ~~lead hazard reduction~~ lead-based paint activities, as well as specific acts and omissions that constitute grounds for the reprimand of any licensee, the suspension, modification, or revocation of a license, or the denial of the issuance or renewal of a license."

SECTION 3.

Said chapter is further amended by adding at the end of Code Section 31-41-6, relating to federal regulations and fees, new subsections (c), (d), (e), and (f) to read as follows:

"(c) The department is authorized to issue a corrective order to any person in violation of this chapter or any regulation promulgated pursuant thereto. The order shall specify the provisions of this chapter or any regulation alleged to have been violated and shall order necessary corrective action be taken within a reasonable time to be prescribed in such order.

(d) The department is authorized to revoke or suspend any license, certification, approval, or accreditation issued hereunder in accordance with regulations promulgated pursuant to this chapter.

(e) It shall be unlawful for any person to engage in training or lead-based paint activities regulated under this chapter except in such a manner as to conform to and comply with this chapter and all applicable regulations and orders established under this chapter.

(f) Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor."

SECTION 4.

This Act shall become effective on July 1, 1998.

SECTION 5.

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

Senators Land of the 16th and Gochenour of the 27th offered the following amendment:

Amend the committee substitute to SB 481 by striking lines 42 through 44 on page 5 and inserting in lieu thereof the following:

“(A) An owner performing abatement upon that person’s own property, or residential property, unless the residential property is occupied by a person or persons other than the owner or the owner’s immediate family while these activities are being performed, or a child residing in the building has been identified as having an elevated blood lead level;”

On the adoption of the amendment, the yeas were 29, nays 11, and the Land, Gochenour amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 39, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
EX Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	N Tysinger
N Glanton	Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 47, nays 2.

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

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

SB 482. By Senator Henson of the 55th:

A bill to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to provide for the protection of the title of industrial hygienist; to provide for related matters.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
EX Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Oliver	Y Walker
Y Gochenour	Perdue (PRS)	

On the passage of the bill, the yeas were 49, nays 0.

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

Serving as doctor of the day, was Dr. Joe Griffeth of Commerce, Georgia.

At 11:11 A.M., Senator Walker of the 22nd moved that the Senate stand in recess until 5:00 P.M., and at that time pursuant to HR 810, adjourn until 10:00 A.M. Monday, February 9; the motion prevailed.

At 5:00 P.M., the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Monday, February 9, 1998
Sixteenth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of Friday, February 6, 1998 proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1518. By Representative Tolbert of the 25th:

A bill to abolish the office of County Treasurer of Jackson County and to provide in what manner all funds of said county realized from taxes and all other sources shall be received, deposited, and disbursed.

HB 1525. By Representative Barnard of the 154th:

A bill to provide a new charter for the City of Manassas.

HB 1527. By Representatives Stallings of the 100th and West of the 101st:

A bill to provide that the tax commissioner of Carroll County shall retain 1 percent of educational funds collected by said officer and remit the same to the governing authority of Carroll County to reimburse the county for the cost of collecting school taxes.

HB 1533. By Representative Massey of the 86th:

A bill to amend an Act re-creating and establishing a Board of Commissioners of Barrow County, so as to provide for redistricting.

HB 1534. By Representative Massey of the 86th:

A bill to amend an Act providing authority for members of the Board of Education of Barrow County, so as to provide for redistricting.

HB 1263. By Representative Powell of the 23rd:

A bill to amend Chapter 39A of Title 43 of the Official Code of Georgia Annotated, known as the "Real Estate Appraiser Classification and Regulation Act," so as to change certain time periods within which real estate appraisers are required to take certain actions.

HB 1294. By Representatives Powell of the 23rd and Hudson of the 156th:

A bill to amend Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to coin operated amusement machines, so as to redefine a term used in such chapter; to correct a cross reference; to change the provisions relating to the display of stickers issued for coin operated amusement machines.

HB 1252. By Representatives Parham of the 122nd, Twiggs of the 8th, Martin of the 145th and others:

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A bill to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change the listing of controlled substances and dangerous drugs; to delete certain penalty provisions relating to carisoprodol.

HB 1199. By Representatives McBee of the 88th, Martin of the 47th and Hudgens of the 24th:

A bill to amend Code Section 36-32-22 of the Official Code of Georgia Annotated, relating to establishment and membership of the Georgia Municipal Courts Training Council, so as to change the method for the appointment of members of the Georgia Municipal Courts Training Council.

HB 122. By Representatives Heckstall of the 55th, Davis of the 48th, Walker of the 141st and others:

A bill to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to dissemination of records of the Georgia Crime Information Center to persons and businesses, so as to provide that owners of rental dwellings may obtain criminal history records of prospective renters with the consent of the person whose records are requested.

HB 1299. By Representatives Powell of the 23rd and Parham of the 122nd:

A bill to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, so as to change certain provisions relating to exceptions from operation of chapter.

HB 1096. By Representative Cummings of the 27th:

A bill to amend Article 1 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to retirement and pensions, so as to provide that in the event a person designated as the primary beneficiary by a member of a public retirement or pension system does not survive the member by at least 32 days, any survivor's benefits shall be paid to the secondary beneficiary.

HB 1156. By Representative Childers of the 13th:

A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals, so as to change the provisions relating to denial of hospital staff privileges.

HB 1270. By Representatives Twiggs of the 8th, Poag of the 6th, Johnston of the 81st and others:

A bill to amend Article 2 of Chapter 3 of Title 25 of the Official Code of Georgia Annotated, relating to minimum requirements for local fire departments, so as to change the provisions relating to notification that an organization meets requirements to function as a fire department.

HB 1351. By Representative Lane of the 146th:

A bill to amend Code Section 27-4-130.1 of the Official Code of Georgia Annotated, relating to open seasons, creel and possession limits, and minimum and

maximum size limits for certain finfish species and species groups, so as to change certain possession, creel, and size limits for certain species.

HB 1352. By Representative Lane of the 146th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain definitions; to change provisions relative to the saltwater separation point; to change certain provisions relating to identification of boats taking shrimp; to provide for a recreational fishing license for all waters of this state.

The following bills were introduced, read the first time and referred to committees:

SB 589. By Senator Price of the 56th:

A bill to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for a short title; to provide for legislative findings; to provide definitions; to require health insurers to provide coverage for inpatient care following certain surgical procedures; to provide for coverage by insurers of postsurgical care; to provide for regulations to be issued by the Commissioner of Insurance.

Referred to Committee on Insurance and Labor.

SB 590. By Senators Cheeks of the 23rd, Scott of the 36th, Brown of the 26th and others:

A bill to amend Article 2 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to deposit account fraud, so as to provide that no person shall accept any check or similar instrument as collateral for any value less than the face value of the check; to provide penalties.

Referred to Committee on Banking and Financial Institutions.

SB 591. By Senators Thompson of the 33rd and Tanksley of the 32nd:

A bill to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to define and redefine certain terms; to change certain provisions relating to vehicle occupants required to use seat safety belts.

Referred to Committee on Transportation.

SB 592. By Senators Harbison of the 15th, Brush of the 24th and Johnson of the 2nd:

A bill to amend Code Section 34-9-260 of the Official Code of Georgia Annotated, relating to the basis for computing workers' compensation, so as to change the basis for computing the average weekly wage of certain members of the Georgia National Guard; to amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions regarding the indemnification of certain law enforcement officers, so as to include certain members of the Georgia National Guard and firemen.

Referred to Committee on Defense and Veterans Affairs.

SB 593. By Senator Thomas of the 10th:

A bill to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to change a definition; to change provisions relating to the enforcement powers of the State

Election Board; to provide a penalty for failure of a local election superintendent to complete the required minimum biennial training; to change provisions relating to applications for registration.

Referred to Committee on State and Local Governmental Operations (General).

SB 594. By Senators Middleton of the 50th, Perdue of the 18th, Walker of the 22nd and Hill of the 4th:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care facilities, so as to provide for legislative findings and intent; to create a new article to be known as the "Essential Rural Health Care Provider Access Act"; to provide for definitions.

Referred to Committee on Health and Human Services.

SB 595. By Senators Oliver of the 42nd, Starr of the 44th, Roberts of the 30th and others:

A bill to amend Chapter 14 of Title 33 of the Official Code of Georgia Annotated, relating to domestic stock and mutual insurers, so as to change certain provisions relating to applicability of said chapter; to define certain terms; to provide for reorganization of mutual insurers and formation of mutual insurance holding companies; to provide for mergers of mutual insurers or other entities with mutual insurance holding companies; to provide for approval of reorganization plans or merger plans by policyholders.

Referred to Committee on Finance and Public Utilities.

SB 596. By Senator Boshears of the 6th:

A bill to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses, so as to provide that a person shall be justified in the use of deadly force to prevent the commission of a forcible felony or certain crimes against property; to provide a statement of legislative findings; to provide that every head of a household in this state shall be authorized to maintain at least one firearm with ammunition in his or her residence.

Referred to Committee on Judiciary.

SB 597. By Senator Thomas of the 10th:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions, so as to enact the "Georgia Journeyman Electrician Licensing Act"; to provide for definitions; to provide for qualifications for licensure and for renewal of licenses; to provide for the expiration of licenses; to provide for examination; to provide for apprenticeship programs; to provide for reciprocity under certain conditions.

Referred to Committee on Science, Technology and Industry.

SR 600. By Senators Broun of the 46th, Gillis of the 20th, Egan of the 40th and others:

A resolution creating the Senate Certificate of Need for Long-term Care Facilities Study Committee.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 122. By Representatives Heckstall of the 55th, Davis of the 48th, Walker of the 141st and others:

A bill to amend Code Section 35-3-34 of the Official Code of Georgia Annotated, relating to dissemination of records of the Georgia Crime Information Center to persons and businesses, so as to provide that owners of rental dwellings may obtain criminal history records of prospective renters with the consent of the person whose records are requested.

Referred to Committee on Judiciary.

HB 1096. By Representative Cummings of the 27th:

A bill to amend Article 1 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to retirement and pensions, so as to provide that in the event a person designated as the primary beneficiary by a member of a public retirement or pension system does not survive the member by at least 32 days, any survivor's benefits shall be paid to the secondary beneficiary.

Referred to Committee on Retirement.

HB 1156. By Representative Childers of the 13th:

A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals, so as to change the provisions relating to denial of hospital staff privileges.

Referred to Committee on Health and Human Services.

HB 1199. By Representatives McBee of the 88th, Martin of the 47th and Hudgens of the 24th:

A bill to amend Code Section 36-32-22 of the Official Code of Georgia Annotated, relating to establishment and membership of the Georgia Municipal Courts Training Council, so as to change the method for the appointment of members of the Georgia Municipal Courts Training Council.

Referred to Committee on Special Judiciary.

HB 1252. By Representatives Parham of the 122nd, Twiggs of the 8th, Martin of the 145th and others:

A bill to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change the listing of controlled substances and dangerous drugs; to delete certain penalty provisions relating to carisoprodol.

Referred to Committee on Judiciary.

HB 1263. By Representative Powell of the 23rd:

A bill to amend Chapter 39A of Title 43 of the Official Code of Georgia Annotated, known as the "Real Estate Appraiser Classification and Regulation Act," so as to change certain time periods within which real estate appraisers are required to take certain actions.

Referred to Committee on Science, Technology and Industry.

HB 1270. By Representatives Twiggs of the 8th, Poag of the 6th, Johnston of the 81st and others:

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A bill to amend Article 2 of Chapter 3 of Title 25 of the Official Code of Georgia Annotated, relating to minimum requirements for local fire departments, so as to change the provisions relating to notification that an organization meets requirements to function as a fire department.

Referred to Committee on Public Safety.

HB 1294. By Representatives Powell of the 23rd and Hudson of the 156th:

A bill to amend Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to coin operated amusement machines, so as to redefine a term used in such chapter; to correct a cross reference; to change the provisions relating to the display of stickers issued for coin operated amusement machines.

Referred to Committee on Consumer Affairs.

HB 1299. By Representatives Powell of the 23rd and Parham of the 122nd:

A bill to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, so as to change certain provisions relating to exceptions from operation of chapter.

Referred to Committee on Transportation.

HB 1351. By Representative Lane of the 146th:

A bill to amend Code Section 27-4-130.1 of the Official Code of Georgia Annotated, relating to open seasons, creel and possession limits, and minimum and maximum size limits for certain finfish species and species groups, so as to change certain possession, creel, and size limits for certain species.

Referred to Committee on Natural Resources.

HB 1352. By Representative Lane of the 146th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain definitions; to change provisions relative to the saltwater separation point; to change certain provisions relating to identification of boats taking shrimp; to provide for a recreational fishing license for all waters of this state.

Referred to Committee on Natural Resources.

HB 1518. By Representative Tolbert of the 25th:

A bill to abolish the office of County Treasurer of Jackson County and to provide in what manner all funds of said county realized from taxes and all other sources shall be received, deposited, and disbursed.

Referred to Committee on State and Local Governmental Operations.

HB 1525. By Representative Barnard of the 154th:

A bill to provide a new charter for the City of Manassas.

Referred to Committee on State and Local Governmental Operations.

HB 1527. By Representatives Stallings of the 100th and West of the 101st:

A bill to provide that the tax commissioner of Carroll County shall retain 1 percent of educational funds collected by said officer and remit the same to the governing authority of Carroll County to reimburse the county for the cost of collecting school taxes.

Referred to Committee on State and Local Governmental Operations.

HB 1533. By Representative Massey of the 86th:

A bill to amend an Act re-creating and establishing a Board of Commissioners of Barrow County, so as to provide for redistricting.

Referred to Committee on State and Local Governmental Operations.

HB 1534. By Representative Massey of the 86th:

A bill to amend an Act providing authority for members of the Board of Education of Barrow County, so as to provide for redistricting.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Economic Development, Tourism and Cultural Affairs has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SE 569. Do pass.

Respectfully submitted,

Senator Broun of the 46th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1439. Do pass by substitute.

HB 1457 Do pass.

HB 1443. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolutions were read the second time:

SB 425

SB 431

SB 485

SB 532

SB 541

SR 527

SR 530

SR 560

SR 581

HB 1222

Senator Dean of the 31st moved that Senator Turner of the 8th be excused. On the motion, the yeas were 32, nays 0; the motion prevailed, and Senator Turner was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Blicht

Boshears

Bowen

Broun, 46th

Brown, 26th

Burton

Cagle

Cheeks

Clay

Crotts

Dean

Egan

Gillis

Glanton

Gochenour

Griffin

Guhl

Harbison

Henson	Land	Ralston
Hill	Langford	Ray
Hooks	Madden	Roberts
Huggins	Marable	Starr
James	Middleton	Stokes
Johnson,D	Oliver	Streat
Johnson,E	Price,R	Taylor
Kemp	Price,T	Thomas,D
Lamutt	Ragan	Tysinger

Those not answering were:

Abernathy	Perdue(PRS)	Thompson
Balfour	Scott	Turner (excused)
Brush	Tanksley	Walker
Fort	Thomas,N	

Senator Johnson of the 2nd led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Johnson of the 2nd introduced the chaplain of the day, Reverend Matthew M. Odom, pastor of Garvin Temple Baptist Church, Savannah, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

- SR 601. By Senator Boshears of the 6th:
A resolution commending Scotty Turner.
- SR 602. By Senator Boshears of the 6th:
A resolution commending Jimmy Swain.
- SR 603. By Senator Boshears of the 6th:
A resolution commending Rima Upchurch.
- SR 605. By Senators Johnson of the 1st and Johnson of the 2nd:
A resolution commending Dale C. Critz.

The following local, uncontested bills of the House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Monday, February 9, 1998
SIXTEENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1439 Brush, 24th
 OGLETHORPE COUNTY

A bill to provide for the nonpartisan nomination and election of the chief magistrate of the Magistrate Court of Oglethorpe County.(SUBSTITUTE)

HB 1443 Price, 28th
Langford, 29th
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SPALDING COUNTY

A bill to amend an Act creating a board of commissioners of Spalding County, so as to change the residency requirements with respect to candidates for membership on the board.

HB 1457 Taylor, 12th
CITY OF CUTHBERT

A bill to amend an Act providing a new charter for the City of Cuthbert, so as to change the provisions relating to the election, qualifications, and terms of office of the mayor and aldermen.

The substitute to the following bill was put upon its adoption:

*HB 1439

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 1439:

A BILL

To be entitled an Act to provide for the election of the chief magistrate of the Magistrate Court of Oglethorpe County without a nonpartisan primary; to provide for the requirements and procedures of the nonpartisan election; to provide for related matters; to provide for the authority for this Act; 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.

The chief magistrate of the Magistrate Court of Oglethorpe County shall be elected by the qualified voters of Oglethorpe County in a nonpartisan election. Except as otherwise provided in this Act, the chief magistrate of the magistrate court shall be elected pursuant to the general elections laws of Georgia.

SECTION 2.

Beginning with the election held in 2000 and every four years thereafter, the chief magistrate of the magistrate court shall be elected at the general election immediately preceding the expiration of the term of office of the chief magistrate and shall take office on January 1 immediately following such election for a term of four years and until such magistrate's successor is elected and qualified.

SECTION 3.

No primary election shall be held for the office of chief magistrate of the magistrate court. A candidate may have his or her name placed on the general election ballot by filing a notice of candidacy with the county election superintendent and by paying the qualifying fee.

SECTION 4.

Code Section 21-2-501 of the O.C.G.A. shall govern the plurality required for the general election and any run-off election.

SECTION 5.

The names of all candidates for the office of chief magistrate of the magistrate court shall appear in a separate section of each general election ballot of each elector. No party designation or affiliation shall appear beside the name of any such candidate on any general election ballot, and no candidate for the office of chief magistrate of the magistrate court shall be nominated by any political party.

SECTION 6.

This Act is enacted pursuant to the authority of Code Section 21-2-139 of the O.C.G.A.

SECTION 7.

This Act shall become effective on January 1, 1999.

SECTION 8.

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

On the adoption of the substitute, the yeas were 43, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Broun, 46th	Y	Hooks	Y	Roberts
Brown, 26th		Huggins	Y	Scott
Y Brush		James		Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land		Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	EX	Turner
Y Gillis		Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour		Perdue		

On the passage of the local bills, the yeas were 43, nays 0.

All the bills on the Local Consent Calendar, except HB 1439, having received the requisite constitutional majority, were passed.

HB 1439, having received the requisite constitutional majority, was passed by substitute.

Senator James of the 35th introduced representatives from the Outreach Parent Training Network, commended by SR 537, adopted previously. Betty Brown, a representative of the group, addressed the Senate briefly.

The President assumed the Chair.

The President introduced former Senator Johnny Isakson, Chairman of the State Board of Education, and State School Superintendent Linda Schrenko, who addressed the Senate briefly.

Senator Kemp of the 3rd introduced Reverend Griffin Lotson, commended by SR 522, adopted previously, who addressed the Senate briefly.

Senator Stokes of the 43rd introduced Congresswoman Cynthia McKinney, commended by SR 578, adopted previously, who addressed the Senate briefly.

The following resolution was read and adopted:

SR 604. By Senators Stokes of the 43rd and James of the 35th:

A resolution commending Honorable Loretta Sanchez on the occasion of "Sister to Sister" Day at the Capitol.

Senator Stokes of the 43rd introduced Congresswoman Loretta Sanchez, commended by SR 604, who addressed the Senate briefly.

Senator Oliver of the 42nd introduced the doctor of the day, Dr. John Gamwell of Atlanta, Georgia.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

SENATE RULES CALENDAR

Monday, February 9, 1998
SIXTEENTH LEGISLATIVE DAY

- | | |
|---------|---|
| SB 525 | Dispossessory Proceedings-revise practice and procedure (Amendment)(S Judy-1st) |
| HB 95 | Public Service Commission; election; amend provisions (F&PU-22nd) Coleman-142nd |
| SB 537 | Alcoholic Beverage Sales on Sunday-certain race track facilities (Substitute)(C Aff-55th) |
| HR 844 | ~ Vickie E. Bell Memorial Bridge; designate (Trans-37th) Scheid-17th |
| SB 447 | Local Boards of Education-appointment of educational care team (Ed-52nd) |
| SB 473 | Child Abuse-meetings of child abuse protocol committees (Substitute)(Judy-16th) |
| SB 513 | Personal Financial Security Act-provide (Substitute)(Judy-22nd) |
| SB 446 | State Owned Historic Property-preservation (Substitute) (Nat R-1st) |
| HB 1180 | Alcoholic beverages; hard cider; define (C Aff-55th) Dixon-168th |
| HB 943 | Regents Retirement; Teachers Retirement not pay certain benefits (Ret-34th) Cummings-27th |
| HB 936 | Employees' Retirement; age 60 or more at time of employment (Ret-34th) Cummings-27th |

- SB 508 Mechanics', Materialmen's Liens-process to void of record certain liens
(Substitute)(S Judy-48th)
www.libtool.com.cn
- SR 559 CA: Roadside Enhancement and Beautification Fund-provide (Trans-33rd)
- SR 529 CA: Lottery Proceeds-educational programs for which appropriated
(Substitute)(EDT&CA-44th)

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

- SB 525. By Senators Johnson of the 1st, Dean of the 31st, Perdue of the 18th and others:

A bill to amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, so as to revise practice and procedure in such proceedings; to eliminate the requirement of demand for possession; to place conditions on tender of rent as a defense; to change the disposition of rent paid into court.

The Senate Special Judiciary Committee offered the following amendment:

Amend SB 525 by striking from the title on lines 5 and 6 of page 1 the following:

“to place conditions on tender of rent as a defense;”

By striking from lines 26 and 27 on page 2 the following:

“and is waived unless asserted in the answer as initially filed”

On the adoption of the amendment, the yeas were 34, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N	Abernathy	Y	Gillis	Langford
	Balfour	Y	Glanton	Y Madden
Y	Blitch	Y	Gochenour	Y Marable
N	Boshears	Y	Griffin	Y Middleton
Y	Bowen	Y	Guhl	Oliver
Y	Broun, 46th		Harbison	Perdue(PRS)
Y	Brown, 26th	Y	Henson	Y Price,R
Y	Brush	Y	Hill	Y Price,T
Y	Burton	Y	Hooks	Y Ragan
Y	Cagle	Y	Huggins	Y Ralston
Y	Cheeks	N	James	Y Ray
Y	Clay	Y	Johnson,D	Y Roberts
Y	Crotts	Y	Johnson,E	Scott
Y	Dean	Y	Kemp	Y Starr
Y	Egan	Y	Lamutt	Stokes
N	Fort	Y	Land	Streat

Y	Tanksley		Thomas,N		Y	Tysinger
Y	Taylor	www.libtool.com.cn	Y	Thompson	Y	Walker
Y	Thomas,D		EX	Turner		

On the passage of the bill, the yeas were 42, nays 4.

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

Senator Fort of the 39th moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 36, nays 1; the motion prevailed, and Senator Stokes was excused.

The Calendar was resumed.

HB 95. By Representatives Coleman of the 142nd, Murphy of the 18th, Hudson of the 156th and others:

A bill to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and membership of the Public Service Commission, so as to change the provisions relating to the election of the members of the commission; to provide for Public Service Commission Districts in which members must reside, provided that such members are elected state wide by the qualified voters of this state.

Senate Sponsor: Senator Walker of the 22nd.

Senators Walker of the 22nd and Clay of the 37th offered the following amendment:

Amend HB 95 by striking from line 10 on page 1 and line 4 on page 2 the following:

“January 1, 1998”,

and inserting in lieu thereof the following:

“January 1, 2000”

By striking in their entirety lines 33 through 44 on page 2 and lines 1 through 15 on page 3 and inserting in lieu thereof the following:

“(d) The first members of the commission elected under this Code section shall be elected thereto on the Tuesday next following the first Monday in November, 2000, from Public Service Commission Districts 3 and 5, shall take office on the first day of January immediately following that election, and shall serve for terms of office of six years and until the election and qualification of their respective successors. Those members of the commission elected thereto on the Tuesday next following the first Monday in November, 2002, from Public Service Commission Districts 1 and 4 shall take office on the first day of January immediately following that election and shall serve for terms of office of six years and until the election and qualification of their respective successors. The member of the commission elected thereto on the Tuesday next following the first Monday in November, 2004, from Public Service Commission District 2 shall take office on the first day of January immediately following that election and shall serve for a term of office of six years and until the election and qualification of his or her respective successor. All future successors to members of the commission whose terms of office are to expire shall be elected at the state-wide general election immediately preceding the expiration of such terms, shall take office on the first day of January immediately following that election, and shall serve for terms of office of six years.”

On the adoption of the amendment, the yeas were 39, nays 2, and the Walker, Clay amendment was adopted.

The report of the committee, which was favorable to the passage of the bill was agreed to as amended.

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On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	EX	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 49, nays 0.

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

SB 537. By Senators Henson of the 55th and Johnson of the 1st:

A bill to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for Sunday alcoholic beverage sales at motor sport road race track facilities with a permanent seating capacity in excess of 10,000 persons in certain counties; to provide for other related matters; to provide an effective date.

The Senate Committee on Consumer Affairs offered the following substitute to SB 537:

A BILL

To be entitled an Act to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for Sunday alcoholic beverage sales at motor sport road race track facilities with a permanent seating capacity in excess of 10,000 persons in certain counties; to provide for other related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, is amended by inserting a new subsection to be designated subsection (f) to read as follows:

“(f) In each county having a population of 58,000 or more according to the United States decennial census of 1990, or any future such census in which the sale of alcoholic beverages is lawful, alcoholic beverages may be sold for consumption on the premises on each day of the week, including Sundays between the hours of 12:30 P.M. and 12:00 Midnight, on the premises of motor sport road race track facilities with a permanent seating capacity in excess of 10,000 persons. As used in this subsection, the term ‘premises’ means restaurants, grandstands, and other event viewing areas owned, leased, or controlled by the establishment which is licensed to sell distilled spirits, malt beverages, or wines for consumption on the premises.”

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

On the adoption of the substitute, the yeas were 30, nays 1, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	Y Price,T
N Blicht	Y Harbison	Y Ragan
N Boshears	Y Henson	N Ralston
Y Bowen	N Hill	N Ray
Y Broun, 46th	Y Hooks	N Roberts
Y Brown, 26th	N Huggins	Y Scott
Brush	Y James	N Starr
N Burton	Y Johnson,D	EX Stokes
Cagle	Y Johnson,E	Y Streat
Checks	N Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Thomas,D
N Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Middleton	Y Tysinger
N Glanton	Oliver	Y Walker
N Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 29, nays 16.

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

HR 844. By Representatives Scheid of the 17th, Holmes of the 53rd, Hudson of the 156th and others:

A resolution designating the Vickie E. Bell Memorial Bridge.

Senate Sponsor: Clay of the 37th

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the adoption of the resolution, the yeas were 50, nays 0.

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

The President resumed the Chair.

Lieutenant Governor Howard introduced Anna Boggs, Senate secretary and sister of Vickie Bell, and offered condolences from the Senate.

The Calendar was resumed.

SB 447. By Senators Marable of the 52nd, Dean of the 31st, Clay of the 37th and others:

A bill to amend Article 3 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to local boards of education, so as to provide for the appointment of an educational care team upon application by a local board of education; to provide for the duties of an educational care team; to provide for related matters; to provide an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Clay	Y Henson
N Balfour	Y Crotts	Y Hill
N Blitch	Y Dean	Y Hooks
N Boshears	N Egan	Y Huggins
Y Bowen	Y Fort	Y James
Y Broun, 46th	Y Gillis	Y Johnson,D
Y Brown, 26th	N Glanton	Y Johnson,E
N Brush	N Gochenour	Y Kemp
N Burton	Y Griffin	Y Lamutt
N Cagle	N Guhl	Y Land
Y Cheeks	Y Harbison	Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	N Ray	Y Thomas,D
Middleton	Y Roberts	Thomas,N
Y Oliver	Scott	Y Thompson
Y Perdue	Y Starr	EX Turner
N Price,R	EX Stokes	N Tysinger
N Price,T	Y Streat	Y Walker
Y Ragan	N Tanksley	

On the passage of the bill, the yeas were 35, nays 15.

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

The following bill was taken up to consider House action thereto:

SB 369. By Senator Ralston of the 51st:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the provisions relating to senior judges and Senior Appellate Court Justices and Judges serving as judges of the appellate courts; to change the provisions relating to compensation, travel, per diem, and pay allowances.

The House substitute was as follows:

A BILL

To be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the provisions relating to senior judges and Senior Appellate Court Justices and Judges serving as judges of the superior courts or appellate courts; to change the provisions relating to compensation, travel, per diem, and pay allowances; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking subsection (d) of Code Section 15-1-9.2, relating to requests for assistance of senior judges appointed pursuant to Chapter 8 or 9 of Title 47 or Chapter 3A of Title 15, and inserting in its place the following:

“(d) Senior judges serving as judges of the appellate or superior court under this Code section or any other provision of law shall be compensated in the amount of ~~\$165.00~~ \$300.00 per day for such service. In addition to such compensation, such senior judges shall receive their actual expenses or, at the judge’s option, in the event of service outside the county of the judge’s residence, the same per diem expense authorized by law for members of the General Assembly and shall receive mileage at the same rate as other state employees for such services. Such compensation, expenses, and mileage shall be paid from state funds appropriated or otherwise available for the operation of the appellate or superior courts, upon a certificate by the senior judge as to the number of days served or the expenses and mileage. Such compensation shall not affect, diminish, or otherwise impair the payment or receipt of any retirement or pension benefits, when applicable, of such judge.”

SECTION 2.

Notwithstanding the provisions of Code Section 1-3-4.1, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 3.

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

Senator Ralston of the 51st moved that the Senate disagree to the House substitute to SB 369.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate disagreed to the House substitute to SB 369.

The Calendar was resumed.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

SB 473. By Senators Land of the 16th, Ralston of the 51st and Oliver of the 42nd:

A bill to amend Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, so as to change the provisions relating to meetings and proceedings of child abuse protocol committees and subcommittees; to provide that meetings and proceedings of the State-wide Child Abuse Prevention Panel and child abuse protocol committees and subcommittees in the exercise of their duties shall be subject to Chapter 14 of Title 50, relating to open meetings.

The Senate Committee on Judiciary offered the following substitute to SB 473:

A BILL

To be entitled an Act to amend Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, so as to provide for the filling of vacancies on child abuse protocol committees; to authorize the chief superior court judge of a circuit to order certain agencies to participate on child abuse protocol committees; to provide that failure to comply with such an order shall be cause for punishment as for contempt of court; to provide for filing the child abuse protocol with the State-wide Child Abuse Prevention Panel; to provide for the child abuse protocol committee to file certain reports with the State-wide Child Abuse Prevention Panel and the chief superior court judge of the circuit; to change the procedures relating to investigations and reports after the death of a child; to provide for the duties of certain officers, child abuse protocol committees, and the child fatality review subcommittees of such committees; to provide for contents of reports filed by child fatality review subcommittees; to change the composition of the State-wide Child Abuse Prevention Panel; to change the provisions relating to meetings and proceedings of child abuse protocol committees and subcommittees; to provide that meetings and proceedings of the State-wide Child Abuse Prevention Panel and child abuse protocol committees and subcommittees in the exercise of their duties with respect to a child who at the time of his or her death was in the custody of a state department or agency or foster parent shall be open to the public and shall be subject to Chapter 14 of Title 50, relating to open meetings; to change the provisions relating to use of information and records of the State-wide Child Abuse Prevention Panel and child abuse protocol committees and subcommittees; to provide that information acquired by and documents, records, and reports of the panel and child abuse protocol committees and subcommittees applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records; to amend Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, so as to provide that certain child abuse and deprivation records and information in the central child abuse registry applicable to a child

who at the time of his or her death was in the custody of a state department or agency or foster parent shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 15 of Title 19 of the Official Code of Georgia Annotated, relating to child abuse, is amended by striking Code Section 19-15-2, relating to the establishment of child abuse protocol committees, and inserting in lieu thereof a new Code Section 19-15-2 to read as follows:

“19-15-2.

(a) Each county shall be required to establish a child abuse protocol as provided in this Code section.

(b) The chief superior court judge of the circuit in which the county is located shall establish a child abuse protocol committee as provided in subsection (c) of this Code section and shall appoint an interim chairperson who shall preside over the first meeting and shall appoint persons to fill any vacancies on the committee. Thus established, the committee shall thereafter elect a chairperson from its membership.

(c)(1) Each of the following agencies of the county shall designate a representative to serve on the committee:

- (A) The office of the sheriff;
- (B) The county department of family and children services;
- (C) The office of the district attorney;
- (D) The juvenile court;
- (E) The magistrate court;
- (F) The county board of education;
- (G) The county mental health organization;
- (H) The office of the chief of police of a county in counties which have a county police department;
- (I) The office of the chief of police of the largest municipality in the county;
- (J) The county board of health, which shall designate a physician to serve on the committee; and
- (K) The office of the coroner or county medical examiner.

(2) In addition to the representatives serving on the committee as provided for in paragraph (1) of this subsection, the chief superior court judge shall designate a representative from a local citizen or advocacy group which focuses on child abuse awareness and prevention.

(3) If any designated agency fails to carry out its duties relating to participation on the committee, the chief superior court judge of the circuit may issue an order requiring the participation of such agency. Failure to comply with such order shall be cause for punishment as for contempt of court.

(d) Each committee shall elect or appoint a chairperson who shall convene the first meeting and be responsible for ensuring that written protocol procedures are followed by all agencies. That person can be independent of agencies listed in paragraph (1) of subsection (c) of this Code section. The child abuse protocol committee thus estab-

lished may appoint such additional members as necessary and proper to accomplish the purposes of the committee.

(e) The committee shall, by July 1, 1988, adopt a written child abuse protocol which shall be filed with the Division of Family and Children Services of the Department of Human Resources and the State-wide Child Abuse Prevention Panel, a copy of which shall be furnished to each agency in the county handling the cases of abused children. The protocol shall be a written document outlining in detail the procedures to be used in investigating and prosecuting cases arising from alleged child abuse and the methods to be used in coordinating treatment programs for the perpetrator, the family, and the child.

(f) The purpose of the protocol shall be to ensure coordination and cooperation between all agencies involved in a child abuse case so as to increase the efficiency of all agencies handling such cases, to minimize the stress created for the allegedly abused child by the legal and investigatory process, and to ensure that more effective treatment is provided for the perpetrator, the family, and the child.

(g) Upon completion of the writing of the child abuse protocol, the committee shall continue in existence and shall meet at least semiannually for the purpose of evaluating the effectiveness of the protocol and appropriately modifying and updating same.

(h) Each committee shall adopt or amend its written child abuse protocol no later than December 1, 1993, to specify the circumstances under which law enforcement officers will and will not be required to accompany child abuse investigators from the county department of family and children services when these investigators investigate reports of child abuse. In determining when law enforcement officers shall and shall not accompany child abuse investigators, the committee shall consider the need to protect the alleged victim and the need to preserve the confidentiality of the report. Each committee shall establish joint work efforts between the law enforcement and child abuse investigative agencies in child abuse investigations. The adoption or amendment of the protocol shall also describe measures which can be taken within the county to prevent child abuse and shall be filed with and furnished to the same entities with or to which an original protocol is required to be filed or furnished. The protocol will be further amended to specify procedures to be adopted by the committee to ensure that written protocol procedures are followed. The committee shall meet at least semi-annually and shall issue a report no later than the first day of July in 1994 and no later than the first day of July each year thereafter. That report shall evaluate the extent to which child abuse investigations during the 12 months prior to the report have complied with the child abuse protocols of the committee, recommend measures to improve compliance, and describe which measures taken within the county to prevent child abuse have been successful. The report shall be transmitted to the county governing authority and, the fall term grand jury of the judicial circuit, the State-wide Child Abuse Prevention Panel, and the chief superior court judge.

(i) By July 1, 1994, members of each committee shall receive appropriate training. As new members are appointed, they will also receive training within 12 months after their appointment. The Department of Human Resources shall provide such training."

SECTION 2.

Said chapter is further amended by striking subsections (a), (b), and (c) of Code Section 19-15-3, relating to the death of a child and reports and investigations, and inserting in lieu thereof new subsections (a), (b), and (c) to read as follows:

“(a)(1) When a county medical examiner or coroner receives a report regarding the death of any child, that medical examiner or coroner shall, within 48 hours of the death, notify the chairperson of the child fatality review subcommittee of the county in which such child resided at the time of death. It shall be the duty of any law enforcement officer or other person having knowledge of the death of a child to immediately notify the coroner or county medical examiner of the county wherein the body is found or death occurs. If the death occurred outside the child’s county of residence, it shall be the duty of the medical examiner or coroner in the county where the child died to notify the medical examiner or coroner in the county of the child’s residence.

(2) When a medical examiner files a report regarding the death of any child with the director of the division of forensic services of the Georgia Bureau of Investigation pursuant to Code Section 45-16-24, that medical examiner at the same time shall also transmit a copy of that report to the committee of the county in which such child resided at the time of death.

(b) The chairperson for each committee shall establish a subcommittee composed of members of the committee to include, but not be limited to, the county medical examiner or coroner; the district attorney or his or her designee; a county department of family and children services representative; a local law enforcement representative; a juvenile court representative; a county board of health representative; and other members as deemed necessary. The subcommittee shall be the child fatality review subcommittee for that committee. When a committee coroner or county medical examiner receives a report pursuant to subsection (a) of this Code section, the chairperson of the committee shall assign that report to the child fatality review subcommittee of that committee that coroner or county medical examiner shall review the findings regarding the cause and manner of the child’s death. If the death does not meet the criteria for review pursuant to Code Section 45-16-24, the coroner or county medical examiner shall sign a form stating that the death does not meet the criteria for review and forward the findings of the coroner or county medical examiner and such form to the chairperson of the child fatality review subcommittee. If such chairperson agrees that the child’s death does not meet the criteria for review, the chairperson shall sign a form stating that the death does not meet the criteria for review and shall forward the findings and form to the State-wide Child Abuse Prevention Panel. If the chairperson disagrees with the coroner or county medical examiner and believes that the child’s death should be reviewed, the chairperson shall follow the procedures for deaths to be reviewed. If the death meets the criteria for review, the coroner or county medical examiner shall forward the findings of such office regarding the death of the child in a report to the chairperson of the child fatality review subcommittee for review. That subcommittee shall meet and review the report within ten 30 days after receipt and conduct its own investigation into the death of the child named in that report. The subcommittee may obtain from any superior court judge of the county for which the committee was created a subpoena to compel the production of documents or attendance of witnesses when that judge has made a finding that such documents or witnesses are necessary for the subcommittee’s investigation; provided, however, that this Code section shall not modify or impair the privileged communications as provided by law except as otherwise provided in Code Section 19-7-5. The subcommittee shall complete the investigation and prepare its own report regarding the death of the child named in the medical examiner’s report received by the committee. The subcommittee’s report shall be completed within 20 days, Saturdays, Sundays, and holidays ex-

cluded, following the first meeting of the subcommittee held after the committee received the coroner's or medical examiner's report. The subcommittee's report shall:

- (1) State the circumstances leading up to death and cause of death;
- (2) Detail any agency involvement prior to death, including the beginning and ending dates and kinds of services delivered, the reasons for initial agency activity, and the reasons for any termination of agency activities;
- (3) State whether any agency services had been delivered to the family or child prior to the circumstances leading to the child's death;
- (4) State whether court intervention had ever been sought;
- (5) Conclude whether services or agency activities delivered prior to death were appropriate and whether the child's death could have been prevented; and
- (6) Make recommendations for possible prevention of future deaths of similar incidents for children who are at risk for such deaths; and
- (7) Include other findings as requested by the State-wide Child Abuse Prevention Panel.

(c) The subcommittee shall transmit a copy of its report within 15 days following its completion to the ~~Criminal Justice Coordinating Council~~ and to the panel State-wide Child Abuse Prevention Panel. The subcommittee shall also transmit a copy of its report within 15 days following its completion to the district attorney of the county for which the committee was created if the report concluded that the child named therein died as a result of:

- (1) Sudden Infant Death Syndrome when no autopsy was performed to confirm the diagnosis;
- (2) Accidental death when it appears that the death could have been prevented through intervention or supervision;
- (3) Any sexually transmitted disease;
- (4) Medical causes which could have been prevented through intervention by an agency or by seeking medical treatment;
- (5) Suicide of a child in custody or known to the Department of Human Resources or when the finding of suicide is suspicious;
- (6) Suspected or confirmed child abuse;
- (7) Trauma to the head or body; or
- (8) Homicide."

SECTION 3.

Said chapter is further amended by striking paragraphs (11) and (12) of subsection (a) of Code Section 19-15-4, relating to the State-wide Child Abuse Prevention Panel, and inserting in lieu thereof the following:

- "(11) A local law enforcement official appointed by the Governor; and
- (12) A superior court judge appointed by the Governor;
- (13) A coroner appointed by the Governor; and
- (14) The director of the Division of Public Health of the Department of Human Resources."

SECTION 4.

Said chapter is further amended by striking in its entirety Code Section 19-15-5, relating to meetings and proceedings of child abuse protocol committees and subcommittees and inserting in lieu thereof a new Code Section 19-15-5 to read as follows:

“19-15-5.

(a) Except as provided in subsection (b) of this Code section, meetings and proceedings of:

(1) A committee or subcommittee in the exercise of its duties shall be closed to the public and shall not be subject to Chapter 14 of Title 50, relating to open meetings; and

(2) The panel shall be open to the public as long as information identifying a deceased or abused child, any family member of the child, or an alleged or suspected perpetrator of abuse upon the child is not disclosed during such meetings or proceedings, but the panel is authorized to close such meeting to the public when such identifying information is required to be disclosed to members of the panel in order for the panel to carry out its duties.

(b) Meetings and proceedings of a committee or subcommittee or the panel in the exercise of its duties with respect to a child who at the time of his or her death was in the custody of a state department or agency or foster parent shall be open to the public and shall be subject to Chapter 14 of Title 50, relating to open meetings.”

SECTION 5.

Said chapter is further amended by adding at the end of Code Section 19-15-6, relating to the use of information and records by the State-wide Child Abuse Prevention Panel and child abuse protocol committees and subcommittees, a new subsection (h) to read as follows:

“(h) Notwithstanding any other provisions of law, information acquired by and documents, records, and reports of the panel and child abuse protocol committees and subcommittees applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records.”

SECTION 6.

Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to programs and protection for children and youth, is amended by adding at the end of Code Section 49-5-41, relating to persons and agencies permitted access to child abuse and deprivation records, a new subsection (e) to read as follows:

“(e) Notwithstanding any other provisions of law, child abuse and deprivation records applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records.”

SECTION 7

Said chapter is further amended by striking in its entirety subsection (b) of Code Section 49-5-186, relating to confidentiality of information in the central child abuse registry, and inserting in lieu thereof a new subsection (b) to read as follows:

“(b)(1) Information obtained from the abuse registry may not be made a part of any record which is open to the public except as provided in paragraph (2) of this subsection and except that a district attorney may use in any court proceeding that in-

formation in the course of any criminal prosecution for any offense which constitutes or results from child abuse if such information is otherwise admissible.

(2) Notwithstanding any other provisions of law, information in the abuse registry applicable to a child who at the time of his or her death was in the custody of a state department or agency or foster parent which information relates to the child while in the custody of the state department or agency or foster parent whose custody the child was in at the time of the child's death shall not be confidential and shall be subject to Article 4 of Chapter 18 of Title 50, relating to open records."

SECTION 8.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blicht	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden		Thompson
Y Fort	Y	Marable	EX	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:05 P.M., Senator Perdue of the 18th, President Pro Tempore, announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Tuesday, February 10, 1998
Seventeenth Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1543. By Representatives Epps of the 131st and Brown of the 130th:

A bill to amend an Act creating the Downtown LaGrange Development Authority, so as to provide for the appointment of members of the authority and their terms of office.

HB 1354. By Representatives Parrish of the 144th, Stallings of the 100th, Thomas of the 148th and others:

A bill to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for definitions; to provide for regulatory parity; to provide for confidentiality of departmental records and exceptions; to provide for rule-making authority.

HB 1406. By Representatives Crawford of the 129th and Smith of the 109th:

A bill to amend Code Section 9-13-140 of the Official Code of Georgia Annotated, relating to advertising judicial sales, so as to change the advertising requirement for judicial sales or real property.

HB 1206. By Representative Campbell of the 42nd:

A bill to amend Code Section 36-32-9 of the Official Code of Georgia Annotated, relating to jurisdiction of municipal courts over shoplifting offenses involving \$100.00 or less, so as to authorize municipal courts to try and dispose of cases in which a person is charged with a third offense of shoplifting property valued at \$100.00 or less.

HB 1201. By Representatives McBee of the 88th, Smyre of the 136th, Hudgens of the 24th and others:

A bill to amend Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the University System of Georgia, so as to authorize the board of regents to sell or transfer certain works of art.

HB 714. By Representatives Mueller of the 152nd, Day of the 153rd, Snow of the 2nd and others:

A bill to amend Code Section 30-4-1 of the Official Code of Georgia Annotated, relating to right to equal public accommodations for the handicapped and the

The following bills were read the first time and referred to committees:

HB 714. By Representatives Mueller of the 152nd, Day of the 153rd, Snow of the 2nd and others:

A bill to amend Code Section 30-4-1 of the Official Code of Georgia Annotated, relating to right to equal public accommodations for the handicapped and the right to be accompanied by a guide dog or service dog, so as to delete certain restrictions on the right of totally or partially blind vendors to be accompanied by guide dogs.

Referred to Committee on Special Judiciary.

HB 1098. By Representative Byrd of the 170th:

A bill to amend Chapter 9 of Title 25 of the Official Code of Georgia Annotated, relating to blasting or excavating near underground gas pipes and utility facilities, so as to change the definition of the term "utility facility"

Referred to Committee on Finance and Public Utilities.

HB 1158. By Representative Childers of the 13th:

A bill to amend Code Section 43-11-21 of the Official Code of Georgia Annotated, relating to conscious sedation by dentists, so as to provide for certain physicians and nurse anesthetists to administer conscious sedation.

Referred to Committee on Health and Human Services.

HB 1163. By Representatives Walker of the 141st, Hanner of the 159th, Murphy of the 18th and others:

A bill to amend Article 2 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to control of water pollution and surface-water use, so as to establish a requirement for owners of large public waste-water treatment facilities to privatize the operation and maintenance of their systems if violations of permits occur.

Referred to Committee on Natural Resources.

HB 1201. By Representatives McBee of the 88th, Smyre of the 136th, Hudgens of the 24th and others:

A bill to amend Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the University System of Georgia, so as to authorize the board of regents to sell or transfer certain works of art.

Referred to Committee on Higher Education.

HB 1206. By Representative Campbell of the 42nd:

A bill to amend Code Section 36-32-9 of the Official Code of Georgia Annotated, relating to jurisdiction of municipal courts over shoplifting offenses involving \$100.00 or less, so as to authorize municipal courts to try and dispose of cases in which a person is charged with a third offense of shoplifting property valued at \$100.00 or less.

Referred to Committee on Special Judiciary.

HB 1268. By Representatives Holmes of the 53rd, Hecht of the 97th, Hudson of the 120th and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for certain new definitions in the general and municipal elections codes; to enact a new Part 5 of Article 11 of Chapter 2 of said title regulating the use of optical scanning voting equipment.

Referred to Committee on State and Local Governmental Operations (General).

IB 1354. By Representatives Parrish of the 144th, Stallings of the 100th, Thomas of the 148th and others:

A bill to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for definitions; to provide for regulatory parity; to provide for confidentiality of departmental records and exceptions; to provide for rule-making authority.

Referred to Committee on Banking and Financial Institutions.

HB 1387. By Representative Randall of the 127th:

A bill to amend Code Section 49-4-153 of the Official Code of Georgia Annotated, relating to administrative hearings and appeals under the "Georgia Medical Assistance Act of 1977," so as to change the provisions relating to request for hearings by providers of medical assistance.

Referred to Committee on Health and Human Services.

HB 1406. By Representatives Crawford of the 129th and Smith of the 109th:

A bill to amend Code Section 9-13-140 of the Official Code of Georgia Annotated, relating to advertising judicial sales, so as to change the advertising requirement for judicial sales or real property.

Referred to Committee on Special Judiciary.

HB 1543. By Representatives Epps of the 131st and Brown of the 130th:

A bill to amend an Act creating the Downtown LaGrange Development Authority, so as to provide for the appointment of members of the authority and their terms of office.

Referred to Committee on State and Local Governmental Operations.

HR 778. By Representatives Scott of the 165th and Hudson of the 156th:

A resolution authorizing the granting of a quitclaim deed, affidavit, or other document evidencing that the state has not accepted title to and has no intent to use certain property in Tift County and granting or affirming title to such property to the Tift County Development Authority.

Referred to Committee on Finance and Public Utilities.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Appropriations has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1166. Do pass.

HB 1167 Do pass by substitute.

Respectfully submitted,

Senator Hooks of the 14th District, Chairman

Mr. President:

The Committee on Consumer Affairs has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1209. Do pass.

HB 1349. Do pass.

HB 1212. Do pass.

Respectfully submitted,

Senator Henson of the 55th District, Chairman

Mr. President:

The Committee on Corrections, Correctional Institutions & Property has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 570. Do pass as amended.

Respectfully submitted,

Senator Dean of the 31st District, Chairman

Mr. President:

The Committee on Defense and Veterans Affairs has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 592. Do pass.

Respectfully submitted,

Senator Harbison of the 15th District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 520. Do pass by substitute.

HB 1315. Do pass by substitute.

SR 545. Do pass by substitute.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bill and resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 523. Do pass by substitute.

SR 64. Do pass.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 521. Do pass as amended. SB 584. Do pass.
 SB 567. Do pass. HB 1498. Do pass.
 SB 574. Do pass. HB 1503. Do pass.
 SB 583. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bill was read the second time:

SB 569

Senator Land of the 16th moved that Senator Crotts of the 17th be excused. On the motion, the yeas were 29, nays 0; the motion prevailed, and Senator Crotts was excused.

Senator Marable of the 52nd moved that Senator Kemp of the 3rd be excused. On the motion, the yeas were 29, nays 0; the motion prevailed, and Senator Kemp was excused.

The President called for the morning roll call, and the following Senators answered to their names:

Balfour	Griffin	Perdue
Blitch	Guhl	Price,R
Boshears	Harbison	Price,T
Bowen	Henson	Ragan
Broun, 46th	Hill	Ralston
Brown, 26th	Hooks	Ray
Brush	Huggins	Roberts
Burton	James	Starr
Cagle	Johnson,D	Stokes
Cheeks	Johnson,E	Streat
Clay	Lamutt	Tanksley
Dean	Land	Taylor
Egan	Langford	Thomas,D
Fort	Madden	Thomas,N
Gillis	Marable	Turner
Glanton	Middleton	Tysinger
Gochenour	Oliver	Walker

Those not answering were:

Abernathy	Kemp (excused)	Thompson
Crotts (excused)	Scott	

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator James of the 35th introduced a group from South Fulton County, God's First Ladies of Concorde Baptist Church, who sang an inspirational song.

Senator Brush of the 24th introduced the chaplain of the day, Dr. John Maxwell of Enjoy Life Ministries, Norcross, Georgia, who offered scripture reading and prayer.

Senator James of the 35th introduced South Fulton County officials, commended by SR 536, adopted previously.

The following resolutions were read and adopted:

SR 606. By Senators Walker of the 22nd and Cheeks of the 23rd:

A resolution commending the Davidson Fine Arts School.

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SR 607. By Senators Ragan of the 11th and Turner of the 8th:

A resolution commending the 1997 Thomas County Central High School football team.

SR 609. By Senator Broun of the 46th:

A resolution honoring Coach George O'Leary and the Georgia Institute of Technology's 1997 football team.

SR 610. By Senator Broun of the 46th:

A resolution recognizing Coach Jim Donnan and the 1997 University of Georgia Bulldog Football Team.

The Lieutenant Governor introduced Emma Thompson Kelly, commended by SR 597, adopted previously, who addressed the Senate briefly and played a medley of popular songs.

The following resolution was read and adopted:

SR 608. By Senator Broun of the 46th:

A resolution recognizing the Georgia Recreation and Parks Association.

Senator Price of the 56th introduced the doctor of the day, Dr. Burton McDaniel, Roswell, Georgia.

Senator Hooks of the 14th moved that the following bill be withdrawn from the Committee on Appropriations and committed to the Committee on Finance and Public Utilities:

SB 474. By Senators Hooks of the 14th, Perdue of the 18th, Starr of the 44th and Walker of the 22nd:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change provisions relating to state government, so as to change provisions relating to state relations with nonprofit organizations providing services and facilities to the state; to define terms; to provide for required financial reporting and other reporting; to provide for audits; to provide for review by the state auditor; to provide for required corrective actions.

On the motion, the yeas were 29, nays 0; the motion prevailed, and SB 474 was committed to the Committee on Finance and Public Utilities.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

www.libtool.com Tuesday, February 10, 1998

SEVENTEENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 583 Balfour, 9th
 Burton, 5th
 Price, 56th
 Ray, 48th
 GWINNETT COUNTY

A bill to amend an Act creating the board of commissioners of Gwinnett County, as amended, so as to provide for the compensation of the chairperson and members of the board.

SB 584 Hooks, 14th
 Harbison, 15th
 Land, 16th
 TALBOT COUNTY
 TAYLOR COUNTY
 MARION COUNTY
 HARRIS COUNTY
 CHATTAHOOCHEE COUNTY

A bill to provide supplements to the salaries of the judges of the superior courts of the Chattahoochee Judicial Circuit from certain counties within the circuit; to provide the amount and method of payment of such supplements; to provide the amount of such supplements which certain counties within the circuit shall pay; to provide that such supplements shall be expenses of the superior courts; to provide an effective date.

HB 1498 Broun, 46th
 CLARKE COUNTY

A bill providing for the compensation for the coroner of Clarke County, so as to change the provisions relating to the coroner's salary.

HB 1503 Kemp, 3rd
 CITY OF RICEBORO

A bill to amend an Act entitled "An Act to provide a new charter for the City of Riceboro," so as to change the corporate limits.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Boshears	Y	Brown, 26th
Balfour	Y	Bowen	Y	Brush
Y Blitch	Y	Broun, 46th		Burton

Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
Y Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Scott
Y Dean	EX Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Y Fort	Y Land	Y Streat
Y Gillis	Y Langford	Y Tanksley
Y Glanton	Y Madden	Y Taylor
Y Gochenour	Y Marable	Y Thomas,D
Y Griffin	Middleton	Thomas,N
Y Guhl	Y Oliver	Y Thompson
Y Harbison	Y Perdue	Y Turner
Y Henson	Y Price,R	Y Tysinger
Y Hill	Y Price,T	Y Walker
Y Hooks	Y Ragan	

On the passage of the local bills, the yeas were 49, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

SENATE RULES CALENDAR

Tuesday, February 10, 1998
SEVENTEENTH LEGISLATIVE DAY

SB 513	Personal Financial Security Act-provide (Substitute)(Judy-22nd)
SB 446	State Owned Historic Property-preservation (Substitute) (Nat R-1st)
HB 1180	Alcoholic beverages; hard cider; define (C Aff-55th) Dixon-168th
HB 943	Regents Retirement; Teachers Retirement not pay certain benefits (Ret-34th) Cummings-27th
HB 936	Employees' Retirement; age 60 or more at time of employment (Ret-34th) Cummings-27th
SB 508	Mechanics', Materialmen's Liens-process to void of record certain liens (Substitute)(S Judy-48th)
SR 559	CA: Roadside Enhancement and Beautification Fund-provide (Trans-33rd)
SR 529	CA: Lottery Proceeds-educational programs for which appropriated (Substitute)(EDT&CA-44th)

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

SB 513. By Senators Walker of the 22nd, Harbison of the 15th, Dean of the 31st and Marable of the 52nd:

A bill to amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, so as to provide for the "Personal Financial Security Act"; to define the criminal offense of financial identity fraud; to provide for penalties; to authorize the Attorney General to prosecute cases of financial identity fraud.

The Senate Committee on Judiciary offered the following substitute to SB 513:

A BILL

To be entitled an Act to amend Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, so as to provide for the "Personal Financial Security Act"; to define the criminal offense of financial identity fraud; to provide for penalties; to authorize the Attorney General to prosecute cases of financial identity fraud; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as the "Personal Financial Security Act."

SECTION 2.

Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to forgery and fraudulent practices, is amended by adding a new Article 8 to read as follows:

"ARTICLE 8

16-9-120.

There is created the criminal offense of financial identity fraud.

16-9-121.

A person commits the offense of financial identity fraud when without the authorization or permission of another person and with the intent unlawfully to appropriate financial resources of that other person to his or her own use or to the use of a third party he or she:

- (1) Obtains or records identifying information which would assist in accessing the financial resources of the other person; or
- (2) Accesses or attempts to access the financial resources of the other person through the use of identifying information. Such identifying information shall include but not be limited to:
 - (A) Social security numbers;
 - (B) Driver's license numbers;
 - (C) Checking account numbers;
 - (D) Savings account numbers;
 - (E) Credit card numbers;
 - (F) Debit card numbers;
 - (G) Personal identification numbers; or

(H) Any other numbers or information which can be used to access a person's financial resources.

16-9-122.

The administrator appointed under Code Section 10-1-395 shall have the authority to investigate any complaints regarding financial identity fraud. In conducting such investigations the administrator shall have all investigative powers which are available to the administrator under Part 2 of Article 15 of Chapter 1 of Title 10, the 'Fair Business Practices Act of 1975.'

16-9-123.

The Attorney General shall have the authority to conduct the criminal prosecution of all cases of financial identity fraud or to refer them to the district attorney in the county where the crime was committed.

16-9-124.

In any criminal proceeding brought pursuant to this article, the crime shall be considered to have been committed in any county in which any part of the financial identity fraud took place, regardless of whether the defendant was ever actually in such county.

16-9-125.

A violation of this article shall be punishable by imprisonment for not less than one nor more than ten years.

16-9-126.

In addition to being imprisoned as provided in Code Section 16-9-125, a person found guilty of financial identity fraud may be ordered by the court to make restitution to any victims of such fraud.

16-9-127.

The prohibitions set forth in Code Section 16-9-121 shall not apply to:

- (1) The lawful obtaining of credit information in the course of a bona fide consumer or commercial transaction;
- (2) The lawful, good faith exercise of a security interest or a right to offset by a creditor or a financial institution; or
- (3) The lawful, good faith compliance by any party when required by any warrant, levy, garnishment, attachment, court order, or other judicial or administrative order, decree, or directive.

These exemptions will not apply to a person intending to further a scheme to violate Code Section 16-9-121."

SECTION 3.

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

Senators Lamutt of the 21st, Tysinger of the 41st and Walker of the 22nd offered the following amendment:

Amend the Senate Judiciary Committee substitute to SB 513 by adding to line 10, page 2: "(H) Electronic identification numbers.

(I) Digital Signatures"
and renumbering "H" to "J"

On the adoption of the amendment, the yeas were 39, nays 0, and the Lamutt, et al. amendment to the committee substitute was adopted.

On the adoption of the committee substitute, the yeas were 40, nays 0, and the substitute was adopted as amended.

Senator Ralston of the 51st moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 39, nays 0; the motion prevailed, and Senator Middleton was excused.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	EX Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 51, nays 0.

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

SB 446. By Senators Johnson of the 1st, Johnson of the 2nd, Hooks of the 14th, Oliver of the 42nd and Hill of the 4th:

A bill to amend Part 1 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions regarding historic areas, so as to provide for preservation of state owned historic properties; to provide for definitions; to encourage the location of state facilities in historic districts and the utilization of historic properties; to provide for legislative intent.

The Senate Natural Resources Committee offered the following substitute to SB 446:

To be entitled an Act to amend Part 1 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions regarding historic areas, so as to provide for preservation of state owned historic properties; to provide for definitions; to encourage the location of state facilities in historic districts and the utilization of historic properties; to provide for legislative intent; to provide for duties and responsi-

bilities of state agencies with respect to such properties; to provide for powers, duties, and authority of the Department of Natural Resources and the Division of Historic Preservation of the Department of Natural Resources; to provide for requirements and procedures with respect to the foregoing; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 3 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to general provisions regarding historic areas, is amended by adding four new Code sections at the end thereof, to be designated Code Sections 12-3-55, 12-3-56, 12-3-57, and 12-3-58, to read as follows:

“12-3-55.

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

(1) ‘Director’ means the director of the Division of Historic Preservation of the department.

(2) ‘Division’ means the Division of Historic Preservation of the department.

(b)(1) The heads of all state agencies shall assume responsibility for the preservation of historic properties which are owned by such agency. Prior to acquiring, constructing, or leasing buildings for purposes of carrying out agency responsibilities, each state agency shall use, to the maximum extent feasible, historic properties available to the agency. Each agency shall undertake, consistent with the preservation of such properties and the mission of the agency and professional preservation standards established by the division, any preservation as may be necessary to effectuate this Code section.

(2) Each state agency shall establish, in consultation with the division, a preservation program for the identification, evaluation, and nomination to the Georgia Register of Historic Places to further the protection of historic properties. Such program shall ensure that:

(A) Historic properties under the jurisdiction of the agency are identified, evaluated, and nominated to the Georgia Register of Historic Places;

(B) Historic properties under the jurisdiction of the agency, as they are listed in or may be eligible for the Georgia Register of Historic Places, are managed and maintained in a way that considers the preservation of their historic, archaeological, architectural and cultural values in compliance with historic preservation provisions of this part and gives special consideration to the preservation of such values in the case of properties designated as having historic significance to this state;

(C) The agency’s preservation related activities are carried out in consultation with other federal, state, and local agencies, Native American tribes, and the private sector; and

(D) The agency’s procedures for compliance with historic preservation provisions of this part:

(i) Are consistent with procedures issued by the Environmental Protection Division of the department pursuant to Chapter 16 of Title 12, the ‘Environmental Policy Act’;

- (ii) Provide a process for the identification and evaluation of historic properties for listing in the Georgia Register of Historic Places and the development and implementation of agreements in consultation with the director, local governments, Native American tribes, and the interested public, as appropriate, regarding the means by which adverse effects on such properties will be considered; and
- (iii) Provide for the disposition of Native American cultural items from state or tribal land in a manner consistent with Section 3(c) of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3002(c)).
- (c) Each state agency shall initiate measures to assure that where, as a result of state action or assistance carried out by a state agency, a historic property is to be substantially altered or demolished, timely steps are taken to make or have made appropriate records, and that such records are then deposited with the division for future use and reference.
- (d) The head of each state agency shall designate a qualified official to be known as the agency's 'preservation officer' who shall be responsible for coordinating that agency's activities under this Code section. Each preservation officer may, in order to be considered qualified, satisfactorily complete training programs established by the division.
- (e) Consistent with the agency's mission and mandates, all state agencies shall carry out agency programs and projects in accordance with the purposes of this Code section and give consideration to programs and projects which will further the purposes of this Code section.
- (f) The director shall review and comment on plans of transferees of surplus state owned historic properties not later than 90 days after such director's receipt of such plans to ensure that the prehistorical, historical, architectural, or culturally significant values will be preserved or enhanced.
- (g) Prior to the approval of any state undertaking which may directly and adversely affect any national historic landmark, the head of the responsible state agency shall, to the maximum extent possible, undertake such planning and actions as may be necessary to minimize harm to such landmark and shall afford the director an opportunity to comment on the undertaking.
- (h) The director shall establish an annual preservation awards program and provide citations for special achievement to officers and employees of state agencies in recognition of their outstanding contributions to the preservation of historic resources. Such program may include the issuance of annual awards by the Governor to any citizen of the state recommended for such an award by the director.
- (i) The director shall promulgate regulations under which the requirements of this Code section may be waived in whole or in part in the event of a major natural disaster or an imminent threat to the national security.
- (j) Each state agency shall ensure that the agency will not grant a loan, loan guarantee, permit, license, or other assistance to an applicant who, with intent to avoid the requirements of this part, has intentionally and significantly adversely affected a historic property to which the grant would relate or, having legal power to prevent it, allowed such significant adverse effect to occur unless the agency determines that circumstances justify granting such assistance despite the adverse effect created or

permitted by the applicant. Each agency shall consult with the director and shall allow comment on the proposed action.

(k) With respect to any undertaking subject to review under this part which adversely affects any property included or eligible for inclusion in the Georgia Register of Historic Places, the head of such agency shall document any decision made pursuant to this part. The head of such agency may not delegate his or her responsibilities pursuant to this part. Where a memorandum of agreement under this part has been executed with respect to an undertaking, such memorandum shall govern the undertaking and all of its parts.

12-3-56.

(a) As used in this Code section, the term 'division' means the Division of Historic Preservation of the department.

(b) The General Assembly recognizes that the State of Georgia has undertaken various efforts to revitalize the central business districts and in-town areas of municipalities in this state which have historically served as the centers for growth, commerce, and government in our metropolitan areas. Accordingly, the General Assembly reaffirms the commitment to strengthen those municipalities by encouraging the location of state facilities in central business districts. The General Assembly also reaffirms the commitment to provide leadership in the preservation of historic resources and to acquire and utilize space in suitable buildings of historic, architectural, or cultural significance. To this end, the state agencies shall utilize and maintain, wherever operationally appropriate and economically prudent, historic properties and districts, especially those located in central business areas. When implementing these policies, state agencies shall institute practices and procedures that are sensible, understandable, and compatible with current authority and that impose the least burden on, and provide the maximum benefit to, society.

(c) Whenever operationally appropriate and economically prudent, when locating state facilities, state agencies shall give first consideration to historic properties within historic districts. If no such property is suitable, then state agencies shall consider other developed or undeveloped sites within historic districts. State agencies shall then consider historic properties outside of historic districts, if no suitable site within a district exists. Any rehabilitation or construction that is undertaken pursuant to this order must be architecturally compatible with the character of the surrounding historic district or properties. County, city, and other local governmental agencies are also encouraged to conform to this subsection.

(d) State agencies with responsibilities for leasing, acquiring, locating, maintaining, or managing state facilities or with responsibilities for the planning for, or managing of, historic resources shall take steps to reform, streamline, and otherwise minimize regulation, policies, and procedures that impede the state government's ability to establish or maintain a presence in historic districts or to acquire historic properties to satisfy state space needs, unless such regulations, policies, and procedures are designed to protect human health and safety or the environment. State agencies are encouraged to seek the assistance of the division when taking these steps.

(e) In implementation of this part, the division and each state agency shall seek appropriate partnerships with local governments, Indian tribes, and appropriate private organizations with the goal of enhancing participation of these parties in the state historic preservation program. Such partnerships should embody the principles of administrative flexibility, reduced paperwork, and increased service to the public.

(f) This Code section is not intended to create, nor does it create, any right or benefit, substantive or procedural, enforceable at law by a party against the State of Georgia, its agencies or instrumentalities, its officers or employees, or any other person.

12-3-57.

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

(1) 'Director' means the director of the Division of Historic Preservation of the department.

(2) 'Division' means the Division of Historic Preservation of the department.

(3) 'Local jurisdiction' means any county or municipality in this state and any duly authorized agency or instrumentality of a county or municipality.

(4) 'Museum' means a facility in this state which is organized on a nonprofit basis for essentially educational or preservation purposes and which:

(A) Owns or utilizes tangible inanimate objects of historical or cultural significance;

(B) Is organized for the care of those objects and exhibits them to the public on a regular schedule; and

(C) Interprets the state's cultural heritage or the state's history, natural history, or history of science and technology.

(5) 'Nonprofit organization' means a corporation, foundation, local jurisdiction, or other legal entity, no part of the net earnings of which inures to the benefit of any private shareholder or individual holding an interest in such entity.

(6) 'Program' means the historical and cultural museum assistance program established under subsection (e) of this Code section.

(b)(1) It is found and declared by the General Assembly that:

(A) Historical and cultural heritage museums present, interpret, and preserve unusual and significant objects of this state's heritage for the benefit, enjoyment, and education of the citizens from every community in the state;

(B) Historical and cultural heritage museums are unique and beneficial resources which supplement the state's educational system;

(C) These museums are the repositories and caretakers of irreplaceable cultural items for the benefit not only of today's generation, but of those yet to come;

(D) Museums, many of which are located in small communities, play an important and cost-effective role in the leisure time and tourism industry of this state; and

(E) It is desirable that the entire history and heritage of the state be displayed and interpreted to the public where this happened, creating centers of community pride and dispersing tourist activity throughout the state.

(2) The General Assembly declares that the public interest is served by the establishment of a program of financial and technical assistance to help historical and cultural heritage museums become more accessible to the citizens and visitors of this state and to assist the citizenry in better understanding its diverse cultural heritage by supporting the upgrade, care, research, interpretation, documentation, and display of the state's irreplaceable historical and cultural museum collections.

(c) Pending appropriation of funding to conduct such, there is established an historical and cultural museum assistance program in the division to provide assistance to local jurisdictions and private nonprofit organizations for museums.

(d) The department shall:

(1) Manage, supervise, and administer the program; and

(2) Coordinate the program with federal, state, or private programs that complement or facilitate carrying out the program.

(e)(1) The purpose of the program is to make grants to local jurisdictions and nonprofit organizations for use by museums for:

(A) Research related to collections, exhibits, or other educational activities;

(B) The care, conservation, interpretation, and documentation of collections;

(C) The planning, design, and construction of exhibits;

(D) Educational programs and projects;

(E) The development of master plans for museums, including activities required to achieve accreditation by the American Association of Museums or other pertinent entity that provides museum accreditation;

(F) The construction of minor structural modifications to existing museum facilities; and

(G) The development of plans and specifications and the provision of architectural, engineering, or other special services directly related to the construction or rehabilitation of museum facilities.

(2) Grants may not be made:

(A) For routine administrative overhead expenses; or

(B) To museums operated, in whole or in part, by this state.

(3) In any fiscal year, the commissioner may allocate up to 20 percent of the total moneys appropriated for the program to be held in reserve for unanticipated projects that are eligible for assistance in accordance with paragraph (2) of subsection (d) of this Code section.

(4) The department shall make grants to museums giving due consideration to equal geographic distribution throughout the state.

(5) A grant may not exceed \$10,000.00 to any single museum in any one year.

(6) The department may not make a grant to a museum under this program unless the museum has been in existence as a nonprofit institution for at least five years prior to the date of application for the grant.

(f) The department shall:

(1) Conduct a survey to identify the locations, resources, and needs of museums in this state;

(2) Provide technical and general advisory assistance to museums that qualify or seek to qualify for grants under the program; and

(3) Encourage the development of long-range planning and accreditation by the American Association of Museums or other pertinent entity that provides museum accreditation and assists museums in meeting professional standards.

(g)(1) The department shall carry out the purposes of the program under provisions of Article 5 of Chapter 5 of Title 28, the 'Fair and Open Grants Act of 1993.'

(2) The filing by the department with the Secretary of State under the provisions of Article 5 of Chapter 5 of Title 28, the 'Fair and Open Grants Act of 1993,' shall include:

- (A) Application procedures and review processes;
- (B) Procedures for adequate public notice of available assistance under the program; and
- (C) A set of selection criteria which the review panel shall consider in recommending approval of applications for grants and which must include:
 - (i) The relative merits of the project or activities within identified state-wide needs;
 - (ii) The extent to which there is any contribution by the appropriate local jurisdiction to support the project being financed by the grant;
 - (iii) The potential for the project to stimulate increased tourism, attendance, or museum self-sufficiency; and
 - (iv) Other factors that may be relevant, such as the geographic distribution of grant assistance under the program.

12-3-58.

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

- (1) 'Director' means the director of the Division of Historic Preservation of the department.
- (2) 'Division' means the Division of Historic Preservation of the department.
- (3) 'Grant fund' means the historic preservation grant fund created under subsection (b) of this Code section.
- (4) 'Grant program' means the historic preservation grant program created under subsection (b) of this Code section.
- (5) 'Historic property' means a district, site, building, structure, monument, or object significant in prehistory, history, upland and underwater archaeology, architecture, engineering, or culture of this state, including artifacts, records, and remains related to a district, site, structure, or object.
- (6) 'Local jurisdiction' means any county or municipality in this state and any duly authorized agency or instrumentality of a county or municipality.
- (7) 'Nonprofit organization' means a corporation, foundation, governmental entity, or other legal entity, no part of the net earnings of which inures to the benefit of any private shareholder or individual holding an interest in such entity.
- (8) 'Preservation' means the identification, evaluation, recordation, documentation, curation, acquisition, protection, management, rehabilitation, restoration, stabilization, maintenance, and reconstruction of a historic property.

(b) Pending appropriation of funding for such, there is created a historic preservation grant program to be administered by the division. The purpose of the grant program is to implement and encourage the preservation of historic properties as well as to promote interest in and study of such matters.

(c) The division shall:

- (1) Manage, supervise, and administer the grant program; and
 - (2) Coordinate the grant program with federal or state programs that complement or facilitate carrying out the grant program.
- (d) The grant program may be used to:
- (1) Make grants to nonprofit organizations and local jurisdictions for the purpose of acquiring, rehabilitating, or restoring historic properties;
 - (2) Make grants to nonprofit organizations and local jurisdictions for the purpose of financing costs directly related to the rehabilitation or restoration project, which may include the costs of studies, surveys, plans and specifications, and architectural, engineering, or other special services;
 - (3) Make grants to nonprofit organizations and local jurisdictions for the purpose of funding historic preservation education and promotion, including the research, survey, and evaluation of historic properties and the preparation of historic preservation planning and educational materials;
 - (4) Fund the costs of state and local preservation revolving funds for the restoration or rehabilitation of historic properties for resale or lease subject to appropriate preservation covenants which may include costs directly related to restoration or rehabilitation, such as the costs of studies, surveys, plans, and specifications and architectural, engineering, or other special services;
 - (5) Fund historic preservation education and promotion by the division, including the research, survey, and evaluation of historic properties and the preparation of historic preservation planning documents and educational materials; and
 - (6) Fund the routine administration of the grant program.
- (e)(1) The director shall review and make recommendations to the commissioner, who shall approve each grant or expenditure of moneys from the grant fund.
- (2) Except for the emergency reserve allocation referred to in paragraph (3) of this subsection, the director's recommendations to the commissioner on the granting of moneys from the grant fund to nonprofit organizations and local jurisdictions shall be based on a competitive selection process.
- (3) In any given fiscal year, the commissioner may allocate up to 20 percent of the total moneys available in the grant fund to be held in reserve for unanticipated emergency use in accordance with subsection (d) of this Code section.
- (4) In any given year, expenditures for routine administration of the grant program may not exceed 10 percent of the total moneys available in the grant fund.
- (f) The division shall:
- (1) Ensure that funding under the grant program for the acquisition, restoration, or rehabilitation of historic properties is used only if the property has been listed in or is eligible for the Georgia Register of Historic Places; and
 - (2) Require recipients of grants made under the grant program to enter into an agreement to preserve, maintain, and allow limited public access to the historic property. This agreement shall be a recordable historic preservation easement if the property is real property, unless the commissioner has determined that such an agreement or easement is impracticable or infeasible under the circumstances in accordance with the regulations.

(g)(1) The department shall carry out the purposes of the grant program under provisions of Article 5 of Chapter 5 of Title 28, the 'Fair and Open Grants Act of 1993.'

(2) In addition to provisions otherwise required by this Code section, the filing by the department with the Secretary of State under the provisions of Article 5 of Chapter 5 of Title 28, the 'Fair and Open Grants Act of 1993,' shall include the following:

(A) Application procedures;

(B) Procedures for adequate public notice of available assistance under the grant program;

(C) Provisions for the review of plans and specifications and the inspection of projects during construction; and

(D) A set of selection criteria which the division must consider in recommending approval of applications for grants and which must include:

(i) The relative historical or cultural significance of, and urgency of need for, the project being financed with the grant;

(ii) The extent to which there is any proposed contribution by the appropriate local jurisdiction to support the project being financed with the grant; and

(iii) Other factors which may be relevant, such as the geographic distribution of grant assistance from the grant fund.

(h) On or before December 31 of each year, the division shall report to the Governor and the General Assembly the financial status of the grant program and a summary of its operations for the preceding year."

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Egan	Y Johnson,E
Y Balfour	Y Fort	EX Kemp
Y Blitch	Y Gillis	Y Lamutt
Y Boshears	Y Glanton	Y Land
Y Bowen	Y Gochenour	Y Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Y Brush	Y Harbison	EX Middleton
Y Burton	Y Henson	Y Oliver
Y Cagle	Y Hill	Perdue(PRS)
Y Cheeks	Y Hooks	Y Price,R
Y Clay	Y Huggins	Y Price,T
Y Crotts	Y James	Y Ragan
Y Dean	Y Johnson,D	Y Ralston

Y Ray	Y Streat	Y Thompson
Y Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Y Walker
Y Stokes	Y Thomas,N	

On the passage of the bill, the yeas were 52, nays 0.

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

The President resumed the Chair.

HB 1180. By Representatives Dixon of the 168th, Epps of the 131st and Reichert of the 126th:

A bill to amend Code Section 3-1-2 of the Official Code of Georgia Annotated, relating to definitions relative to alcoholic beverages, so as to add a new definition.

Senate Sponsor: Senator Henson of the 55th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Huggins	Y Scott
Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Cagle	Johnson,E	Y Streat
Y Cheeks	EX Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 47, nays 0.

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

HB 943. By Representative Cummings of the 27th:

A bill to amend Chapter 21 of Title 47 of the Official Code of Georgia Annotated, relating to the Regents Retirement Plan, so as to provide that the Teachers Retirement System of Georgia shall not pay a benefit based upon service rendered by a member of the Regents Retirement Plan.

Senate Sponsor: Senator Glanton of the 34th.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Johnson,E	Y Streat
Y Cheeks	EX Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 49, nays 0.

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

HB 936. By Representative Cummings of the 27th:

A bill to amend Article 4 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia, so as to provide that any person who first becomes an employee at age 60 or later may elect not to become a member of such retirement system.

Senate Sponsor: Senator Glanton of the 34th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Egan	Johnson,E
Y Balfour	Y Fort	EX Kemp
Y Blitch	Y Gillis	Y Lamutt
Y Boshears	Y Glanton	Y Land
Y Bowen	Y Gochenour	Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Y Brush	Y Harbison	Y Middleton
Y Burton	Y Henson	Y Oliver
Y Cagle	Y Hill	Perdue
Y Cheeks	Y Hooks	Y Price,R
Clay	Y Huggins	Y Price,T
Y Crotts	Y James	Y Ragan
Y Dean	Y Johnson,D	Y Ralston

Y Ray	Y Streat	Y Thompson
Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Walker
Y Stokes	Y Thomas,N	

On the passage of the bill, the yeas were 49, nays 0.

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

SB 508. By Senators Ray of the 48th, Land of the 16th, Oliver of the 42nd and others:

A bill to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens, so as to provide a process to void of record such liens which have not been perfected as required by statute; to provide for related matters; to provide an effective date and applicability.

The Senate Special Judiciary Committee offered the following substitute to SB 508:

A BILL

To be entitled an Act to amend Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens, so as to provide a process to void of record such liens which have not been perfected as required by statute; to provide for related matters; to provide an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to mechanics' and materialmen's liens, is amended by adding at the end of said part a new Code section to read as follows:

"44-14-367

(a) In the event no notice is filed with the clerk of the superior court as is required by paragraph (3) of subsection (a) of Code Section 44-14-361.1 within 14 months from the time the claim became due, the owner of the real estate improved may file with the clerk of the superior court in the county in which the property is located a request to have the lien marked void of record. Said request shall be accompanied by an affidavit from an attorney licensed to practice law in Georgia that certifies the attorney has searched the superior court records in the county in which the property is located, that according to information received from the superior court clerk's office the indexes of real property transactions are current through a date more than 14 months from the date the lien claimant's claim became due, and that the records do not reflect that notice has been filed as is required by this Code section. A copy of said request shall be forwarded by the owner to the lien claimant by registered or certified mail to the address specified in the original filing for record of his or her claim of lien prior to filing the request, and a copy of the return receipt showing that the lien claimant has received a copy of the request shall be filed with the superior court clerk at the time the request is filed. If the lien claimant is no longer at the address specified in his or her original claim of lien and the owner cannot reasonably locate the lien claimant, the owner may file an affidavit so stating in lieu of a return receipt. The lien claimant shall have 30 days from the date of the filing of the request with the superior court clerk to object in writing to the request on the basis that the proper notice was

timely filed. A copy of the objection shall be sent to the owner by registered or certified mail at the time the lien claimant files such objection with the superior court clerk. If the lien claimant so objects, the clerk shall not mark the lien void and either party may seek relief in the superior court through a declaratory judgment action. In the event no objection is filed with the superior court clerk within 30 days after the filing of the request, the superior court clerk is directed to release any bond filed and to mark the lien void of record by writing or marking on said lien the following language:

'This lien is void of record pursuant to Code Section 44-14-367 of the Official Code of Georgia Annotated.'

(b) Subsection (a) of this Code section shall not be construed to prevent any interested party from seeking judicial relief at any time based upon allegations that a claim of lien is void as a matter of law for failure to comply with the requirements of this part or from seeking the release of any bond filed pursuant thereto. Further, subsection (a) of this Code section shall not extend the legal effect of any claim of lien which is otherwise void due to the failure of the lien claimant to comply with the requirements of this part."

SECTION 2.

This Act shall become effective on July 1, 1998, and shall apply to liens created on or after that date.

SECTION 3.

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

Senator Ray of the 48th offered the following amendment:

Amend the committee substitute to SB 508 by deleting term "14" on line 28, page 1, and replacing with the term "12"

On the adoption of the amendment, the yeas were 36, nays 0, and the Ray amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 32, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Egan	Y Johnson,E
Y Balfour	Y Fort	EX Kemp
Y Blitch	Y Gillis	Y Lamutt
Y Boshears	Y Glanton	Y Land
Y Bowen	Y Gochenour	Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Y Brush	Y Harbison	Y Middleton
Y Burton	Y Henson	Y Oliver
Y Cagle	Y Hill	Y Perdue
Y Cheeks	Y Hooks	Y Price,R
Y Clay	Y Huggins	Y Price,T
Y Crotts	Y James	Y Ragan
Y Dean	Y Johnson,D	Y Ralston

Y Ray	Y Streat	Y Thompson
Y Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Walker
Y Stokes	Y Thomas,N	

On the passage of the bill, the yeas were 53, nays 0.

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

Senator Price of the 56th moved that Senator Price of the 28th be excused. On the motion, the yeas were 35, nays 0; the motion prevailed, and Senator Price of the 28th was excused.

The Calendar was resumed.

SR 559. By Senator Thompson of the 33rd:

A RESOLUTION

Proposing an amendment to the Constitution so as to authorize the General Assembly to provide by general law for a roadside enhancement and beautification fund, for allocation and dedication of certain revenue to such fund, and that moneys paid into the fund shall not lapse; to provide that an Act creating the fund and making such provisions may originate in the Senate or the House of Representatives; 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 III, Section IX, Paragraph VI of the Constitution is amended by adding a new subparagraph (k) to read as follows:

“(k) The General Assembly is authorized to provide by general law for the creation of a roadside enhancement and beautification fund from which funds shall be disbursed for enhancement and beautification of public rights of way; for allocation and dedication of revenue from tree and other vegetation trimming or removal permit fees or other related assessments to such fund; that moneys paid into the fund shall not lapse, the provisions of Article III, Section IX, Paragraph IV(c) notwithstanding; and for any matters relating to the purpose or provisions of this subparagraph. An Act creating such fund and making such provisions and which shall be effective January 1, 1999, or later may originate or have originated in the Senate or the House of Representatives.”

SECTION 2.

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 be amended so as to authorize the General
 () NO Assembly to provide by general law for a roadside enhancement
 and beautification fund from which funds shall be disbursed for en-
 hancement and beautification of public rights of way; for allocation
 and dedication of revenue from tree and other vegetation trimming
 or removal permit fees or other related assessments to such fund;
 that moneys paid into the fund shall not lapse; and that an Act
 creating the fund and making such provisions may originate in the
 Senate or the House of Representatives?"

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, was agreed to.

On the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	EX Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 53, nays 0.

The resolution, having received the requisite two-thirds constitutional majority, was adopted.

SR 529. By Senators Starr of the 44th, Thomas of the 10th, Taylor of the 12th and Perdue of the 18th:

A RESOLUTION

Proposing an amendment to the Constitution so as to specify the educational purposes and programs for which lottery proceeds may be appropriated and expended; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article I, Section II, Paragraph VIII of the Constitution is amended by striking subparagraph (c) and inserting in its place a new subparagraph to read as follows:

“(c) The General Assembly may by law provide for the operation and regulation of a lottery or lotteries by or on behalf of the state and for any matters relating to the purposes or provisions of this subparagraph. Proceeds derived from the lottery or lotteries operated by or on behalf of the state shall be used to pay the operating expenses of the lottery or lotteries, including all prizes, without any appropriation required by law, and for educational programs and purposes as hereinafter provided. Lottery proceeds shall not be subject to Article VII, Section III, Paragraph II; Article III, Section IX, Paragraph VI(a); or Article III, Section IX, Paragraph IV(c), except that the net proceeds after payment of such operating expenses shall be subject to Article VII, Section III, Paragraph II. Net proceeds after payment of such operating expenses shall be separately accounted for and shall be specifically identified by the Governor in his annual budget presented to the General Assembly as a separate budget category entitled ‘Lottery Proceeds’ and the Governor shall make specific recommendations as to educational programs and educational purposes to which said net proceeds shall be appropriated. In the General Appropriations Act adopted by the General Assembly, the General Assembly shall appropriate all net proceeds of the lottery or lotteries by such separate budget category to educational programs and educational purposes as specified by the General Assembly. The educational programs and education purposes for which such proceeds may be so appropriated shall include only capital outlay projects for educational facilities; tuition grants, scholarships, or loans to citizens of this state to enable such citizens to attend colleges and universities located within this state, regardless of whether such colleges and universities are owned or operated by the board of regents, or to attend institutions operated under the authority of the Department of Technical and Adult Education; costs of providing to teachers at accredited public institutions who teach levels K-12, personnel at public postsecondary technical institutes under the authority of the Department of Technical and Adult Education, and professors and instructors within the University System of Georgia the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network; costs associated with repairing and maintaining advanced electronic instructional technology; voluntary pre-kindergarten; and an education shortfall reserve.”

SECTION 2.

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 be amended so as to specify the educational purposes and programs for which lottery proceeds may be appropriated and expended?”
- () NO

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 Senate Committee on Economic Development, Tourism and Cultural Affairs offered the following substitute to SR 529:

A RESOLUTION

Proposing an amendment to the Constitution so as to specify the educational purposes and programs for which lottery proceeds may be appropriated and expended; to provide for submission of this amendment for ratification or rejection; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article I, Section II, Paragraph VIII of the Constitution is amended by striking subparagraph (c) and inserting in its place a new subparagraph to read as follows:

“(c) The General Assembly may by law provide for the operation and regulation of a lottery or lotteries by or on behalf of the state and for any matters relating to the purposes or provisions of this subparagraph. Proceeds derived from the lottery or lotteries operated by or on behalf of the state shall be used to pay the operating expenses of the lottery or lotteries, including all prizes, without any appropriation required by law, and for educational programs and purposes as hereinafter provided. Lottery proceeds shall not be subject to Article VII, Section III, Paragraph II; Article III, Section IX, Paragraph VI(a); or Article III, Section IX, Paragraph IV(c), except that the net proceeds after payment of such operating expenses shall be subject to Article VII, Section III, Paragraph II. Net proceeds after payment of such operating expenses shall be separately accounted for and shall be specifically identified by the Governor in his annual budget presented to the General Assembly as a separate budget category entitled ‘Lottery Proceeds’ and the Governor shall make specific recommendations as to educational programs and educational purposes to which said net proceeds shall be appropriated. In the General Appropriations Act adopted by the General Assembly, the General Assembly shall appropriate all net proceeds of the lottery or lotteries by such separate budget category to educational programs and educational purposes as specified by the General Assembly. Such net proceeds shall be used to support improvements and enhancements for educational programs and purposes and such net proceeds shall be used to supplement, not supplant, existing resources for educational programs and purposes. The educational programs and education purposes for which such proceeds may be so appropriated shall include only capital outlay projects for educational facilities; tuition grants, scholarships, or loans to citizens of this state to enable such citizens to attend colleges and universities located within this state, regardless of whether such colleges and universities are owned or operated by the board of regents, or to attend institutions operated under the authority of the Department of Technical and Adult Education; costs of providing to teachers at accredited public institutions who teach levels K-12, personnel at public postsecondary technical institutes under the authority of the Department of Technical and Adult Education, and professors and instructors within the University System of Georgia the necessary training in the use and application of computers and advanced electronic instructional technology to implement interactive learning environments in the classroom and to access the state-wide distance learning network; costs associated with purchasing, installing, repairing, and maintaining advanced electronic instructional technology; voluntary pre-kindergarten; and an education shortfall reserve.”

SECTION 2.

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 be amended so as to specify the educational purposes and programs for which lottery proceeds may be appropriated and expended?"
- () NO

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.

Senators Clay of the 37th and Lamutt of the 21st offered the following amendment:

Amend the committee substitute to SR 529 by striking line 26 of page 2 and inserting in lieu thereof the following:

"shortfall reserve. The educational programs and educational purposes as provided in this subparagraph may be amended by general law enacted by two-thirds' majority vote in both the Senate and the House of Representatives."

On the adoption of the amendment, the yeas were 34, nays 5, and the Clay, Lamutt amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 39, nays 0, and the committee substitute was adopted as amended.

The report of the committee, which was favorable to the adoption of the resolution by substitute, was agreed to as amended.

On the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

Y Abernathy	Griffin	EX Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	EX Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 52, nays 0.

The resolution, having received the requisite two-thirds constitutional majority, was adopted by substitute.

Senator Dean of the 31st moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 11:56 A.M., the President announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Wednesday, February 11, 1998
Eighteenth Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1238. By Representatives McKinney of the 51st and Brooks of the 54th:

A bill to amend an Act re-creating a system of state courts of limited jurisdiction for each city of this state having a population of 300,000 or more according to the United States decennial census of 1990 or any future such census, so as to provide for conditions for the appointment of judges pro hac vice for such courts.

HB 1559. By Representatives Skipper of the 137th and Hanner of the 159th:

A bill to change the compensation of the members of the Marion County Board of Education.

HB 1574. By Representative Greene of the 158th:

A bill to create the Quitman County Water and Sewerage Authority.

HB 1174. By Representatives Royal of the 164th, Buck of the 135th and Jamieson of the 22nd:

A bill to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding property tax exemptions, so as to authorize certain individuals who are absent from their residence due to health reasons to continue to receive homestead exemptions.

HB 1175. By Representatives Royal of the 164th, Buck of the 135th, Jamieson of the 22nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to exempt from the excise tax on motor fuel certain sales of dyed fuel oils with respect to agricultural field use vehicles; to provide for annual licensing and fees for agricultural field use vehicles; to exempt fertilizer application equipment and crop protection chemical application equipment from such annual licensing and fees.

HB 1424. By Representatives Birdsong of the 123rd, Buck of the 135th, Royal of the 164th and others:

A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to the computation of taxable net income for income tax purposes, so as to increase the amount of retirement income exclusion.

HB 1214. By Representatives Sims of the 167th, DeLoach of the 119th, Lord of the 121st and others:

A bill to amend Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to liens, so as to provide for liens of funeral directors.

HB 1391. By Representatives Crews of the 78th and Randall of the 127th:

A bill to enact the "Georgia Street Gangs Act of 1998"; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the provisions relating to designated felonies in juvenile court; to provide procedures under which additional assistant district attorneys may be authorized; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses.

HB 1502. By Representatives DeLoach of the 172nd and Tillman of the 173rd:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated, relating to apportionment of the House of Representatives and qualifications of its members, so as to change the composition of certain House districts.

HB 1301. By Representative Jamieson of the 22nd:

A bill to amend Code Section 2-6-33 of the Official Code of Georgia Annotated, relating to powers of soil and water conservation districts and supervisors, so as to change certain provisions regarding certain soil conservation, erosion control, or erosion prevention projects.

HB 1434. By Representatives Franklin of the 39th, Joyce of the 1st, Coan of the 82nd and others:

A bill to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to designate "Bill of Rights Day"

HB 1306. By Representative Polak of the 67th:

A bill to amend Article 4 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to accusations, so as to provide that a defendant charged with theft by receiving stolen property or possession of a firearm by a convicted felon or first offender probationer may be tried upon an accusation in certain circumstances.

HB 1295. By Representative Jamieson of the 22nd:

A bill to amend Code Section 2-6-32 of the Official Code of Georgia Annotated, relating to duties of soil and water conservation district supervisors, so as to change certain provisions regarding surety bonds; to provide for a summary of certain financial data.

HB 812. By Representative Davis of the 48th:

A bill to specify certain requirements with respect to training in the use of telecommunications devices for the deaf (TDD's) for dispatch center communications officers; to amend Code Section 35-8-23 of the Official Code of Georgia Annotated, relating to training and certification of public safety communica-

tions officers, so as to require such training for newly certified communications officers.

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HB 1393. By Representatives Channell of the 111th, Rogers of the 20th, Reichert of the 126th and others:

A bill to amend Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, so as to enact certain provisions relating to suspension of boating privileges of persons convicted of operating a moving vessel, moving water skis, moving aquaplane, moving surfboard, or personal watercraft while under the influence of alcohol or drugs.

HB 1394. By Representatives Channell of the 111th, Rogers of the 20th, Reichert of the 126th and others:

A bill to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to registration, operation, and sale of watercraft, so as to provide for certain age limitations on the operation of certain vessels; to change certain provisions relating to personal watercraft.

HB 1145. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, so as to provide for an exemption with respect to certain motor vehicles owned by former prisoners of war.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 812. By Representatives Barnard of the 154th, Lee of the 94th, Murphy of the 18th and others:

A resolution designating the Dewey D. Rush Highway.

HR 292. By Representatives Tolbert of the 25th and Heard of the 89th:

A resolution designating Georgia Highway 334 as the "Lacoda Trail Memorial Parkway"

HR 1033. By Representatives Connell of the 115th, Murphy of the 18th, Howard of the 118th and others:

A resolution honoring Jerrylyn G. Griffin Walker Dent on the occasion of her 90th birthday.

The following bills were introduced, read the first time and referred to committees:

SB 604. By Senator Broun of the 46th:

A bill to amend Code Section 12-3-194.1 of the Official Code of Georgia Annotated, relating to the police and legislative powers of the Stone Mountain Memorial Association, so as to provide for the exercise of police powers by the association; to provide for the appointment of peace officers by the association.

Referred to Committee on Public Safety.

- SB 605. By Senators Oliver of the 42nd, Madden of the 47th, Scott of the 36th and others;

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A bill to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, known as the "Ethics in Government Act," so as to provide a definition; to change the provisions relating to contributions and expenditures and the reporting thereof; to limit the amount of loans which a candidate and the candidate's immediate family may make to a candidate's campaign or campaign committee.

Referred to Committee on Ethics.

- SB 606. By Senator Gochenour of the 27th:

A bill to amend Article 2 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to campaign contributions, so as to prohibit all public officers, candidates for public office, and campaign committees of candidates for public office from accepting contributions from certain business entities or persons.

Referred to Committee on Ethics.

- SB 607. By Senators Clay of the 37th, Tanksley of the 32nd and Thompson of the 33rd:

A bill to amend Article 1 of Chapter 21 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions governing the distribution of fines and forfeitures, so as to provide that requesting municipalities may receive up to 5 percent of the amount of fines and forfeitures collected by counties; to provide for restrictions and limitations; to provide for related matters; to provide for an effective date and applicability.

Referred to Committee on Judiciary.

- SB 608. By Senators Streat of the 19th, Bowen of the 13th, Roberts of the 30th and Guhl of the 45th:

A bill to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to authorize the Safety Fire Commissioner and duly appointed officers and employees of the Commissioner to issue citations for noncompliance with certain laws relating to fire and other hazards.

Referred to Committee on Public Safety.

- SB 609. By Senators Clay of the 37th and Lamutt of the 21st:

A bill to amend Article 6 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jury trials and appeal in probate courts, so as to provide for a pilot program of expanded jurisdiction in the Probate Court of Cobb County; to provide for legislative intent; to provide for authority; to provide for the purpose and goals of the pilot program; to provide for limited duration; to provide for reports.

Referred to Committee on Special Judiciary.

- SB 610. By Senators Scott of the 36th and Thomas of the 10th:

A bill to amend Code Section 12-5-23.2 of the Official Code of Georgia Annotated, relating to waste-water discharge limitations and construction mile-

stones, so as to change certain penalties for failure to meet construction milestones.

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Referred to Committee on Natural Resources.

SB 611. By Senators Scott of the 36th and Thomas of the 10th:

A bill to amend Code Section 12-5-23.2 of the Official Code of Georgia Annotated, relating to waste water discharge limitations and a schedule of construction milestones, so as to change provisions relating to penalties for excessive discharge of phosphorous.

Referred to Committee on Natural Resources.

SB 612. By Senators Burton of the 5th and Hill of the 4th:

A bill to amend Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school property and facilities, so as to authorize county boards of education and other public educational institutions to build schoolhouses on real property leased from the state or a political subdivision, instrumentality, agency, or authority of the state.

Referred to Committee on Education.

SB 613. By Senators Boshears of the 6th and Hill of the 4th:

A bill to amend Chapter 2 of Title 42 of the Official Code of Georgia Annotated, relating to the Board and Department of Corrections, so as to provide for the compensation of certain employees of the Department of Corrections who are assigned to perform duties such employees formerly performed as full-time teachers for such department.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 614. By Senators Fort of the 39th, Scott of the 36th and Brown of the 26th:

A bill to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to clarify alternative school placement procedures; to provide standards for the expulsion of students for more than six calendar months; to provide for reasonable notice in disciplinary tribunal proceedings.

Referred to Committee on Education.

SB 615. By Senators Thomas of the 10th, Brush of the 24th and Streat of the 19th:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to change certain provisions relating to education and training of persons regulated by the State Board of Cosmetology; to require certain continuing education; to require licensing of instructors in private cosmetology schools; to require certain disease testing and immunization of hairdressers, nail technicians, and cosmetologists.

Referred to Committee on Consumer Affairs.

SR 611. By Senator Hooks of the 14th:

A resolution commending the Georgia Peach Festival.

Referred to Committee on Rules.

SR 612. By Senators Marable of the 52nd, Dean of the 31st and Gillis of the 20th:

A resolution proposing an amendment to the Constitution so as to provide for the nonpartisan election of the State School Superintendent; to provide for the submission of this amendment for ratification or rejection; to provide for applicability.

Referred to Committee on Education.

SR 613. By Senator Streat of the 19th:

A resolution designating the David Nipper Memorial Bridge.

Referred to Committee on Transportation.

SR 614. By Senators Thompson of the 33rd, Tanksley of the 32nd, Lamutt of the 21st and Clay of the 37th:

A resolution expressing opposition to construction in Austell of a proposed Norfolk Southern Railroad intermodal facility.

Referred to Committee on Transportation.

SR 616. By Senators Gillis of the 20th, Starr of the 44th, Broun of the 46th and others:

A resolution commending certain local, regional, state, and national governmental entities and associations for their efforts to improve records management practices and preservation in this state.

Referred to Committee on Natural Resources.

The following bills were read the first time and referred to committees:

HB 812. By Representative Davis of the 48th:

A bill to specify certain requirements with respect to training in the use of telecommunications devices for the deaf (TDD's) for dispatch center communications officers; to amend Code Section 35-8-23 of the Official Code of Georgia Annotated, relating to training and certification of public safety communications officers, so as to require such training for newly certified communications officers.

Referred to Committee on Public Safety.

HB 1145. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, so as to provide for an exemption with respect to certain motor vehicles owned by former prisoners of war.

Referred to Committee on Finance and Public Utilities.

HB 1174. By Representatives Royal of the 164th, Buck of the 135th and Jamieson of the 22nd:

A bill to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding property tax exemptions, so as to authorize certain individuals who are absent from their residence due to health reasons to continue to receive homestead exemptions.

Referred to Committee on Finance and Public Utilities.

HB 1175. By Representatives Royal of the 164th, Buck of the 135th, Jamieson of the 22nd and others:

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A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to exempt from the excise tax on motor fuel certain sales of dyed fuel oils with respect to agricultural field use vehicles; to provide for annual licensing and fees for agricultural field use vehicles; to exempt fertilizer application equipment and crop protection chemical application equipment from such annual licensing and fees.

Referred to Committee on Finance and Public Utilities.

HB 1214. By Representatives Sims of the 167th, DeLoach of the 119th, Lord of the 121st and others:

A bill to amend Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated, relating to liens, so as to provide for liens of funeral directors.

Referred to Committee on Special Judiciary.

HB 1238. By Representatives McKinney of the 51st and Brooks of the 54th:

A bill to amend an Act re-creating a system of state courts of limited jurisdiction for each city of this state having a population of 300,000 or more according to the United States decennial census of 1990 or any future such census, so as to provide for conditions for the appointment of judges pro hac vice for such courts.

Referred to Committee on Judiciary.

HB 1295. By Representative Jamieson of the 22nd:

A bill to amend Code Section 2-6-32 of the Official Code of Georgia Annotated, relating to duties of soil and water conservation district supervisors, so as to change certain provisions regarding surety bonds; to provide for a summary of certain financial data.

Referred to Committee on Natural Resources.

HB 1301. By Representative Jamieson of the 22nd:

A bill to amend Code Section 2-6-33 of the Official Code of Georgia Annotated, relating to powers of soil and water conservation districts and supervisors, so as to change certain provisions regarding certain soil conservation, erosion control, or erosion prevention projects.

Referred to Committee on Natural Resources.

HB 1306. By Representative Polak of the 67th:

A bill to amend Article 4 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to accusations, so as to provide that a defendant charged with theft by receiving stolen property or possession of a firearm by a convicted felon or first offender probationer may be tried upon an accusation in certain circumstances.

Referred to Committee on Judiciary.

HB 1391. By Representatives Crews of the 78th and Randall of the 127th:

A bill to enact the "Georgia Street Gangs Act of 1998"; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the

provisions relating to designated felonies in juvenile court; to provide procedures under which additional assistant district attorneys may be authorized; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses.

Referred to Committee on Special Judiciary.

HB 1393. By Representatives Channell of the 111th, Rogers of the 20th, Reichert of the 126th and others:

A bill to amend Title 52 of the Official Code of Georgia Annotated, relating to waters of the state, so as to enact certain provisions relating to suspension of boating privileges of persons convicted of operating a moving vessel, moving water skis, moving aquaplane, moving surfboard, or personal watercraft while under the influence of alcohol or drugs.

Referred to Committee on Natural Resources.

HB 1394. By Representatives Channell of the 111th, Rogers of the 20th, Reichert of the 126th and others:

A bill to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to registration, operation, and sale of watercraft, so as to provide for certain age limitations on the operation of certain vessels; to change certain provisions relating to personal watercraft.

Referred to Committee on Natural Resources.

HB 1424. By Representatives Birdsong of the 123rd, Buck of the 135th, Royal of the 164th and others:

A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to the computation of taxable net income for income tax purposes, so as to increase the amount of retirement income exclusion.

Referred to Committee on Finance and Public Utilities.

HB 1434. By Representatives Franklin of the 39th, Joyce of the 1st, Coan of the 82nd and others:

A bill to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to designate "Bill of Rights Day"

Referred to Committee on Rules.

HB 1502. By Representatives DeLoach of the 172nd and Tillman of the 173rd:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated relating to apportionment of the House of Representatives and qualifications of its members, so as to change the composition of certain House districts.

Referred to Committee on Reapportionment.

HB 1559. By Representatives Skipper of the 137th and Hanner of the 159th:

A bill to change the compensation of the members of the Marion County Board of Education.

Referred to Committee on State and Local Governmental Operations.

HB 1574. By Representative Greene of the 158th:

A bill to create the Quitman County Water and Sewerage Authority.

Referred to ~~Committee on State and Local Governmental Operations.~~

HR 292. By Representatives Tolbert of the 25th and Heard of the 89th:

A resolution designating Georgia Highway 334 as the "Lacoda Trail Memorial Parkway"

Referred to Committee on Transportation.

HR 812. By Representatives Barnard of the 154th, Lee of the 94th, Murphy of the 18th and others:

A resolution designating the Dewey D. Rush Highway.

Referred to Committee on Transportation.

The following committee reports were read by the Secretary;

Mr. President:

The Committee on Agriculture has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 544. Do pass.

HB 1211. Do pass.

Respectfully submitted,

Senator Ragan of the 11th District, Chairman

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 572. Do pass by substitute.

HB 1189. Do pass.

SB 595. Do pass.

HB 1353. Do pass.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 566. Do pass.

SB 526. Do pass by substitute.

HB 1156. Do pass.

SB 594. Do pass by substitute.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1164. Do pass.

SB 407. Do pass by substitute.

HB 1165. Do pass.

SB 428. Do pass by substitute.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 128. Do pass by substitute.	HB 1096. Do pass.
HB 338. Do pass.	HB 1081. Do pass.
HB 464. Do pass.	SB 558. Do pass.
HB 571. Do pass.	

Respectfully submitted,

Senator Cheeks of the 23rd District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 545. Do pass by substitute.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1518. Do pass.	HB 1527. Do pass.
HB 1525. Do pass.	

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following bill and resolutions of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 387. Do pass.	HR 813. Do pass.
HR 741. Do pass.	

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

The following bills and resolution were read the second time:

SB 520	SB 521	SB 523	SB 567	SB 570	SB 574
SB 592	SR 545	HB 1166	HB 1167	HB 1209	HB 1212
HB 1315	HB 1349				

Senator Dean of the 31st moved that Senator Thompson of the 33rd be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Thompson was excused.

Senator Kemp of the 3rd moved that Senator Hill of the 4th be excused. On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Hill was excused.

The President called for the morning roll call, and the following Senators answered to their names:

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Balfour	Griffin	Perdue
Blicht	Guhl	Price,R
Boshears	Harbison	Price,T
Bowen	Henson	Ragan
Broun, 46th	Hooks	Ralston
Brown, 26th	Huggins	Ray
Brush	James	Roberts
Burton	Johnson,D	Scott
Cagle	Johnson,E	Starr
Cheeks	Kemp	Stokes
Clay	Lamutt	Streat
Crotts	Land	Tanksley
Dean	Langford	Taylor
Fort	Madden	Thomas,D
Gillis	Marable	Thomas,N
Glanton	Middleton	Turner
Gochenour	Oliver	Tysinger

Those not answering were:

Abernathy	Hill (excused)	Walker
Egan	Thompson (excused)	

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Taylor of the 12th introduced the chaplain of the day, Reverend Wayne Racz, pastor of Stapleton United Methodist Church, Stapleton, Georgia, who offered scripture reading and prayer.

Senator Price of the 28th moved that Senator Gochenour of the 27th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Gochenour was excused.

The following resolutions were read and adopted:

SR 615. By Senators Thompson of the 33rd and Dean of the 31st:

A resolution commending Harry Chapman.

SR 620. By Senator Land of the 16th:

A resolution recognizing and commending Lauren Griner.

SR 621. By Senators Johnson of the 1st and Johnson of the 2nd:

A resolution recognizing and commending the Chairman, Grand Marshal, and other representatives of the Savannah St. Patrick's Day Parade Committee.

HR 1033. By Representatives Connell of the 115th, Murphy of the 18th, Howard of the 118th and others:

A resolution honoring Jerrylyn G. Griffin Walker Dent on the occasion of her 90th birthday.

Senator Madden of the 47th moved that the following bill be withdrawn from the Committee on Judiciary and committed to the Committee on Health and Human Services:

HB 1252. By Representatives Parham of the 122nd, Twiggs of the 8th, Martin of the 145th and others:

A bill to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change the listing of controlled substances and dangerous drugs; to delete certain penalty provisions relating to carisoprodol.

On the motion, the yeas were 34, nays 0; the motion prevailed, and HB 1252 was committed to the Committee on Health and Human Services.

Senator Dean of the 31st moved that Senator Marable of the 52nd be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Marable was excused.

The following local, uncontested bills of the House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, February 11, 1998

EIGHTEENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1518 Madden, 47th
JACKSON COUNTY

A bill to abolish the office of County Treasurer of Jackson County and to provide in what manner all funds of said county realized from taxes and all other sources shall be received, deposited, and disbursed.

HB 1525 Hill, 4th
CITY OF MANASSAS

A bill to provide a new charter for the City of Manassas.

HB 1527 Roberts, 30th
CARROLL COUNTY

A bill to provide that the tax commissioner of Carroll County shall retain 1 percent of educational funds collected by said officer and remit the same to the governing authority of Carroll County to reimburse the county for the cost of collecting school taxes.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Blicht	Y	Bowen
Y Balfour	Y	Boshears	Y	Broun, 46th

Y	Brown, 26th	EX	Hill	Y	Ragan
Y	Brush	Y	Hooks	Y	Ralston
Y	Burton	Y	Huggins	Y	Ray
Y	Cagle	Y	James	Y	Roberts
Y	Cheeks	Y	Johnson,D	Y	Scott
Y	Clay	Y	Johnson,E	Y	Starr
	Crotts	Y	Kemp	Y	Stokes
Y	Dean	Y	Lamutt	Y	Streat
Y	Egan	Y	Land	Y	Tanksley
Y	Fort		Langford		Taylor
Y	Gillis	Y	Madden	Y	Thomas,D
Y	Glanton	EX	Marable	Y	Thomas,N
EX	Gochenour	Y	Middleton	EX	Thompson
Y	Griffin	Y	Oliver	Y	Turner
Y	Guhl	Y	Perdue	Y	Tysinger
Y	Harbison	Y	Price,R	Y	Walker
Y	Henson	Y	Price,T		

On the passage of the local bills, the yeas were 48, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

SENATE RULES CALENDAR
 Wednesday, February 11, 1998
 EIGHTEENTH LEGISLATIVE DAY

- SR 527 Chatham County-conveyance of state owned property (F&PU-2nd)
- SR 530 Bibb, Chatham, Clarke, DeKalb, Dougherty, McDuffie, Muscogee, Richmond, Union Counties-certain easements (F&PU-44th)
- SR 560 Cobb County-leasing, conveyance of certain state property (Substitute)(F&PU-33rd)
- SR 581 Lumpkin County-conveyance of certain state property (F&PU-50th)
- SB 552 Contracts-parties submit to jurisdiction of any court (Judy-42nd)
- SB 488 Dispossessory Proceedings-writ of possession after trial (Substitute)(S Judy-41st)
- HB 1222 Hospital authorities; certain certified audits; remove requirement (H&HS-55th) Martin-47th
- SB 425 Bulletproof Vest-penalty when committing armed robbery (Substitute)(Judy-31st)
- SB 500 Seafood, Meat, Poultry Sale from Mobile Vehicle-licensing (C Aff-19th)

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

The following bills were read the third time and put upon their passage:

SR 527. By Senators Johnson of the 2nd and Johnson of the 1st:

~~A resolution authorizing~~ the conveyance of certain state owned or claimed real property located in Chatham County, Georgia, to Theodore I. Jockisch and the acceptance of certain real property owned or claimed by Theodore I. Jockisch in consideration therefor.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	EX	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	EX	Thompson
Y Fort	EX	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
EX Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 50, nays 0.

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

The following resolution was read and adopted:

SR 617. By Senator Boshears of the 6th:

A resolution honoring and commending the extraordinary Dr. Claire Hicks.

Senator Boshears of the 6th introduced Dr. Claire Hicks, specializing in the treatment of Aids patients in rural Georgia, commended by SR 617, who addressed the Senate briefly.

The Calendar was resumed.

SR 530. By Senator Starr of the 44th:

A resolution authorizing the granting of nonexclusive easements for operation and maintenance of a railroad crew parking area, deep water dock, radio, telecommunications, electrical, water, sanitary sewer, roads, and access road facilities in, on, over, under, upon, across, or through property owned by the State of Georgia in Bibb, Chatham, Clarke, DeKalb, Dougherty, McDuffie, Muscogee, Richmond, and Union Counties, Georgia.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

N	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	EX	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks		Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	N	James	Y	Starr
Y	Burton	Y	Johnson,D		Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
	Egan	Y	Madden	EX	Thompson
	Fort	EX	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
EX	Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 44, nays 2.

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

SR 560. By Senator Thompson of the 33rd:

A resolution authorizing the leasing of certain real property owned by the State of Georgia in Cobb County, Georgia; authorizing the conveyance of certain real property owned by the State of Georgia in Cobb County, Georgia; to provide an effective date.

A RESOLUTION

Authorizing the leasing of certain real property owned by the State of Georgia in Cobb County, Georgia; authorizing the conveyance of certain real property owned by the State of Georgia in Cobb County, Georgia; to provide an effective date; to repeal conflicting laws; and for other purposes.

WHEREAS, the State of Georgia is the owner of a certain tract or parcel of real property located in the City of Marietta, Cobb County, Georgia; and

WHEREAS, said real property is all that tract or parcel of land situate, lying, and being in Cobb County, Georgia, lying in and being more particularly described as follows:

All that certain tract or parcel of land containing approximately 0.32 of one acre and situated, lying and being in Land Lot 1218 of the 16th District, Second Section, Cobb County, Marietta, Georgia, and being more particularly described as follows:

Beginning at a point in the north line of Depot Street, thirty-three (33) feet westwardly from and at right angles to the centerline of the main track of the Western and Atlantic Railroad; thence westwardly along said north line of Depot Street, a distance of one hundred (100) feet, more or less, to a point, said point being the southeastern corner of the property leased to the City of Marietta by lease agreement between the State Properties Commission and the City of Marietta dated September 4, 1973; thence northwardly along the eastern boundary of said leased property, a distance of

one hundred forty-one and three tenths (141.3) feet, more or less, to a point in the south line of Mill Street; thence eastwardly along said south line of Mill Street, a distance of one hundred (100) feet, more or less, to a point, said point being thirty-three (33) feet westwardly from and at right angles to the centerline of said main track; thence southwardly along a line thirty-three (33) feet westwardly from and parallel to said centerline of main track, a distance of one hundred forty-one and three tenths (141.3) feet, more or less, to the point of beginning,

and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented by lessee to the State Properties Commission for approval; and

WHEREAS, said property is under the custody of the State Properties Commission; and WHEREAS, said property was leased to the City of Marietta, Cobb County, on September 14, 1977, for a term of 20 years as authorized by RA 100 (HR 583-1560) of the 1976 General Assembly; and

WHEREAS, the City of Marietta is desirous of leasing the above-described state property for an additional ten years with the option to purchase the property for the fair market value at any time during the term of the lease.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

That the State of Georgia is the owner of the referenced above-described real property and that, in all matters relating to the leasing of said property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to lease the above-described tract of land to the City of Marietta for a period of ten years commencing with the execution of the lease agreement.

SECTION 3.

That the consideration for such lease shall be \$250.00 per year, so long as the property is used for public purposes, and such other terms and conditions as may be determined by the State Properties Commission to be in the best interests of the State of Georgia.

SECTION 4.

That any sublease of subject property must be approved by the State Properties Commission, and any remuneration resulting from a sublease in excess of \$250.00 per year is to be remitted to the State of Georgia.

SECTION 5.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to convey the above-described tract of land to the City of Marietta for a consideration of the fair market value at any time during the term of the above-authorized lease, and such further terms and conditions as determined by the State Properties Commission to be in the best interest of the State of Georgia.

SECTION 6.

That the authorization in this resolution to lease the above-described property to the City of Marietta shall expire five years after the date that this resolution becomes effective.

SECTION 7.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such leasing.

SECTION 8.

That this lease agreement shall be recorded by the grantee in the Superior Court of Cobb County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 9.

That this resolution shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 10.

That all laws and parts of laws in conflict with this resolution are repealed.

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	EX Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Johnson,E	Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	EX Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 47, nays 0.

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

SR 581. By Senator Middleton of the 50th:

A resolution authorizing the conveyance of certain state owned real property located in Lumpkin County, Georgia; to repeal an authorization provided in a certain 1996 resolution; to provide an effective date.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	EX	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins		Scott
Y Brush	Y	James		Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle		Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	EX	Thompson
Y Fort	EX	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
EX Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 48, nays 0.

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

SB 552. By Senators Oliver of the 42nd, Land of the 16th, Ralston of the 51st and Langford of the 29th:

A bill to amend Chapter 2 of Title 13 of the Official Code of Georgia Annotated, relating to contract provisions selecting the law of Georgia as the applicable law of the contract, so as to permit parties to a contract to submit to jurisdiction of any court or courts of this state; to provide for exceptions; to provide an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Fort	Y	Lamutt
N Balfour	Y	Gillis	Y	Land
Y Blitch	Y	Glanton	Y	Langford
Y Boshears	EX	Gochenour	Y	Madden
Y Bowen	Y	Griffin	EX	Marable
Y Broun, 46th	Y	Guhl	Y	Middleton
Y Brown, 26th	Y	Harbison	Y	Oliver
Y Brush	Y	Henson	Y	Perdue
Y Burton	EX	Hill	Y	Price,R
Y Cagle	Y	Hooks	Y	Price,T
Y Cheeks	Y	Huggins	Y	Ragan
Y Clay	Y	James	Y	Ralston
Y Crotts	Y	Johnson,D	Y	Ray
Y Dean	Y	Johnson,E	Y	Roberts
Y Egan	Y	Kemp	Y	Scott

Starr	Y	Taylor	Y	Turner
Y Stokes	Y	Thomas,D	Y	Tysinger
Y Streat	Y	Thomas,N	Y	Walker
Y Tanksley	EX	Thompson		

On the passage of the bill, the yeas were 49, nays 1.

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

SB 488. By Senator Tysinger of the 41st:

A bill to amend Code Section 44-7-55 of the Official Code of Georgia Annotated, relating to writ of possession after trial in dispossessory proceedings, so as to change the time when that writ becomes effective.

The Senate Special Judiciary Committee offered the following substitute to SB 488:

A BILL

To be entitled an Act to amend Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, so as to change the time when writ of possession becomes effective after trial in a dispossessory proceeding; to change the provisions relating to appeal and possession and payment of rent pending appeal after a judgment in a dispossessory proceeding; to change the time period in which an appeal of a judgment of the trial court in a dispossessory proceeding must be filed; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 3 of Chapter 7 of Title 44 of the Official Code of Georgia Annotated, relating to dispossessory proceedings, is amended by striking in its entirety subsection (a) of Code Section 44-7-55, relating to writ of possession after trial in dispossessory proceedings, and inserting in its place the following:

“(a) If, on the trial of the case, the judgment is against the tenant, judgment shall be entered against the tenant for all rents due and for any other claim relating to the dispute. The court shall issue a writ of possession, both of execution for the judgment amount and a writ to be effective at the expiration of ~~ten~~ seven days after the date such judgment was entered, except as otherwise provided in Code Section 44-7-56.”

SECTION 2.

Said article is further amended by striking in its entirety Code Section 44-7-56, relating to appeal and possession and payment of rent pending appeal after a judgment in a dispossessory proceeding, and inserting in lieu thereof a new Code Section 44-7-56 to read as follows:

“44-7-56.

Any judgment by the trial court shall be appealable pursuant to Chapters 2, 3, 6, and 7 of Title 5, provided that any such appeal shall be filed within ~~ten~~ seven days of the date such judgment was entered and provided, further, that, after the notice of appeal is filed with the clerk of the trial court, the clerk shall immediately notify the trial judge of the notice of appeal and the trial judge may, within 15 days, supplement the record with findings of fact and conclusions of law which will be considered as a part of the order of the judge in that case. If the judgment of the trial court is against the tenant and the tenant appeals this judgment, the court may upon motion of the landlord and upon good cause shown order the tenant to pay into the registry of the court

all sums found by the trial court to be due for rent in order to remain in possession of the premises. The tenant shall also be required to pay all future rent as it becomes due into the registry of the trial court pursuant to paragraph (1) of subsection (a) of Code Section 44-7-54 until the issue has been finally determined on appeal.”

SECTION 3.

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

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	N Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	EX Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
N Fort	EX Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Y Perdue	

On the passage of the bill, the yeas were 47, nays 2.

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

Senator Ralston of the 51st introduced the Fannin County High School Band and their director, Elden Moates, commended by SR 539, adopted previously. Mr. Moates addressed the Senate briefly.

The following bill was taken up for the purpose of considering the Conference Committee report thereon:

HB 330. By Representatives Parham of the 122nd, Graves of the 125th, Parrish of the 144th and others:

A bill to amend Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, so as to revise the laws relating to pharmacists and pharmacies.

The Conference Committee report on HB 330 was as follows:

The Committee of Conference on HB 330 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference substitute to HB 330 be adopted.

FOR THE SENATE:
 /s/ Eddie Madden
 Senator, 47th District
 /s/ Thomas E. Price
 Senator, 56th District
 /s/ Clay Land
 Senator, 16th District

Respectfully submitted,
 FOR THE HOUSE
 OF REPRESENTATIVES:
 /s/ Bobby Eugene Parham
 Representative, 122nd District
 /s/ Larry J. (Butch) Parrish
 Representative, 144th District
 /s/ David Baugh Graves
 Representative, 125 District

COMMITTEE OF CONFERENCE SUBSTITUTE TO HB 330

A BILL

To be entitled an Act to amend Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, so as to revise the laws relating to pharmacists and pharmacies; to provide for a short title; to provide for legislative intent and purpose; to provide for definitions; to provide for the Georgia State Board of Pharmacy and its composition, powers, duties, vacancies, organization, meetings, voting, quorum, and conflicts; to provide for enforcement and for rules and regulations; to provide for members and their qualifications, compensation, oaths, terms, and removal; to provide for duties and powers of the joint-secretary of the state licensing boards; to provide for certificates; to provide for the Georgia Drugs and Narcotics Agency and the administrative assignment, director, employees, duties, powers, and compensation thereof; to provide for notice and hearings; to provide for certain duties of sheriffs and prosecutors; to provide for legislative construction; to prohibit certain unlicensed practices; to require the licensing of pharmacists and pharmacy interns and provide the conditions and procedures relating thereto; to provide for license transfers, for licensing of foreign pharmacy graduates, for temporary licenses and license renewal and reinstatement; to provide for pharmacy assistants and externs; to provide for continuing education; to provide for drug researcher permits; to provide for sanctions against license applicants and holders and penalties therefor; to prohibit the practice of pharmacy without a license and provide penalties therefor; to provide for fees; to provide for prescription drug orders; to provide for refills; to provide for dispensing without a prescription under certain conditions; to provide for drug substitutions; to provide for dispensing drugs; to provide for pharmacy technicians; to provide for patient records and the duties of pharmacists relating thereto; to provide for patient counseling; to provide for compounding practices; to provide for storage, handling, and dispensing of drugs; to prohibit vending machine sale or dispensing of drugs and provide a penalty; to require the licensing of pharmacies and the conditions and procedures relating thereto; to prohibit the use of certain titles; to provide for pharmacy standards; to prohibit certain unlicensed persons from engaging in certain transactions involving drugs; to provide for sanctions and penalties regarding pharmacy licenses and unlicensed practice; to provide for special pharmacy permits; to provide for the registration and reports of drug wholesalers, distributors, suppliers, and reverse drug distributors; to prohibit certain conduct and practices and require compliance with certain standards by pharmacists, pharmacies, pharmacy interns, and pharmacy technicians; to provide for drugs for emergency service providers; to provide for injunctions; to provide for dispensing drugs and other actions relating to drugs by practitioners of the healing

arts; to provide for the examination of items to determine whether they are adulterated or misbranded and provide for actions relating thereto; to provide for third party prescription programs and a short title, findings, and definitions; to provide for program submissions and duties of the Commissioner of Insurance; to provide for program requirements, claims, administrators, and liability for use of cards for cancelled programs; to provide for criminal and civil penalties; to provide for the sale of poisons and records, prescriptions, and penalties relating thereto; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, is amended by striking Chapter 4 thereof, relating to pharmacists and pharmacies, and inserting in its place the following:

“CHAPTER 4

ARTICLE 1

26-4-1.

This chapter shall be known and may be cited as the ‘Georgia Pharmacy Practice Act.’

26-4-2.

The practice of pharmacy in this state is declared to be a learned profession and the practice of pharmacy affects the public health, safety, and welfare and is subject to regulation and control in the public interest. It is further declared to be a matter of public interest and concern that the practice of pharmacy in this state as a learned profession, as defined in this chapter, should merit and receive the confidence of the public and that only qualified persons be permitted to engage in the practice of pharmacy to ensure the quality of drugs and related devices distributed in this state. This chapter shall be liberally construed to carry out these objectives and purposes.

26-4-3.

It is the purpose of this chapter to promote, preserve, and protect the public health, safety, and welfare by and through the effective control and regulation of the practice of pharmacy; the licensure of pharmacists; the licensure, control, and regulation of all sites or persons, in or out of this state that distribute, manufacture, or sell drugs or devices used in the dispensing and administration of drugs within this state; and the regulation and control of such other materials as may be used in the diagnosis, treatment, and prevention of injury, illness, and disease of a patient or other individual.

26-4-4.

The ‘practice of pharmacy’ means the interpretation, evaluation, or dispensing of prescription drug orders in the patient’s best interest; participation in drug and device selection, drug administration, drug regimen reviews, and drug or drug related research; provision of patient counseling and the provision of those acts or services necessary to provide pharmacy care; and the responsibility for compounding and labeling of drugs and devices.

26-4-5.

As used in this chapter the term:

(1) 'Administer' or 'administration' means the provision of a unit dose of medication to an individual patient as a result of the order of an authorized practitioner of the healing arts.

(2) 'Board of pharmacy' or 'board' means the Georgia State Board of Pharmacy.

(3) 'Brand name drug' means the proprietary, specialty, or trade name used by a drug manufacturer for a generic drug and placed upon the drug, its container, label, or wrapping at the time of packaging.

(4) 'Compounding' means the preparation, mixing, assembling, packaging, or labeling of a drug or device as the result of a practitioner's prescription drug order or initiative based on the relationship between the practitioner, patient, and pharmacist in the course of professional practice or for the purpose of, or as an incident to, research, teaching, or chemical analysis and not for sale or dispensing. Compounding also includes the preparation of drugs or devices in anticipation of prescription drug orders based on routine and regularly observed prescribing patterns.

(5) 'Confidential information' means information maintained by the pharmacist in the patient's records or which is communicated to the patient as part of patient counseling which is privileged and may be released only to the patient or, as the patient directs, to those practitioners and other pharmacists where, in the pharmacist's professional judgment, such release is necessary to protect the patient's health and well being; and to such other persons or governmental agencies authorized by law to receive such confidential information.

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

(7) 'Dangerous drug' means any drug, substance, medicine, or medication as defined in Code Section 16-13-71.

(8) 'Deliver' or 'delivery' means the actual, constructive, or attempted transfer of a drug or device from one person to another, whether or not for a consideration.

(9) 'Device' means an instrument, apparatus, contrivance, or other similar or related article, including any component part or accessory, which is required under federal law to bear the label, 'Caution: federal or state law requires dispensing by or on the order of a physician.'

(10) 'Dispense' or 'dispensing' means the preparation and delivery of a drug or device to a patient, patient's caregiver, or patient's agent pursuant to a lawful order of a practitioner in a suitable container appropriately labeled for subsequent administration to, or use by, a patient.

(11) 'Distribute' means the delivery of a drug or device other than by administering or dispensing.

(12) 'Drug' means:

(A) Articles recognized as drugs in any official compendium, or supplement thereto, designated from time to time by the board for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(B) Articles intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or animals;

(C) Articles, other than food, intended to affect the structure or any function of the body of humans or animals; and

- (D) Articles intended for use as a component of any articles specified in subparagraphs (A), (B), or (C) of this paragraph but does not include devices.
- (13) 'Drug researcher' means a person, firm, corporation, agency, department, or other entity which handles, possesses, or utilizes controlled substances or dangerous drugs, as defined in Chapter 13 of Title 16, for purposes of conducting research, drug analysis, animal training, or drug education, as such purposes may be further defined by the board, and is not otherwise registered as a pharmacist, pharmacy, drug wholesaler, distributor, supplier, or medical practitioner.
- (14) 'Drug regimen review' includes but is not limited to the following activities:
- (A) Evaluation of any prescription drug order and patient record for:
 - (i) Known allergies;
 - (ii) Rational therapy-contraindications;
 - (iii) Reasonable dose and route of administration; and
 - (iv) Reasonable directions for use;
 - (B) Evaluation of any prescription drug order and patient record for duplication of therapy;
 - (C) Evaluation of any prescription drug order and patient record for the following interactions:
 - (i) Drug-drug;
 - (ii) Drug-food;
 - (iii) Drug-disease; and
 - (iv) Adverse drug reactions; and
 - (D) Evaluation of any prescription drug order and patient record for proper utilization, including overutilization or underutilization, and optimum therapeutic outcomes.
- (15) 'Emergency service provider' means licensed ambulance services, first responder services or neonatal services, or any combination thereof;
- (16) 'Extern' or 'pharmacy extern' means an individual who is a student currently enrolled in an approved school or college of pharmacy and who has been assigned by the school or college of pharmacy to a licensed pharmacy for the purposes of obtaining practical experience and completing a degree in pharmacy. For the purposes of this chapter, a pharmacy extern may engage in any activity or perform any function which a pharmacy intern may perform under the direct supervision of a licensed pharmacist.
- (17) 'Federal act' or 'Federal Food, Drug, and Cosmetic Act' means the Federal Food, Drug, and Cosmetic Act of the United States of America, approved June 25, 1938, officially cited as Public Document 717, 75th Congress (Chapter 675-3rd Sess.) and all amendments thereto, and all regulations promulgated thereunder by the commissioner of the Federal Food and Drug Administration.
- (18) 'Generic name' means a chemical name, a common or public name, or an official name used in an official compendium recognized by the Federal Food, Drug, and Cosmetic Act, as amended.
- (18.1) 'Institution' means any licensed hospital, nursing home, personal care home, hospice, health clinic, or prison clinic.

- (19) 'Intern' or 'pharmacy intern' means an individual who is:
- (A) A student who is currently enrolled in an approved school or college of pharmacy, has registered with the board, and has been licensed as a pharmacy intern;
 - (B) A graduate of an approved school or college of pharmacy who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or
 - (C) An individual who does not otherwise meet the requirements of subparagraph (A) or (B) of this paragraph and who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate and is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist.
- (20) 'Joint-secretary' means the joint-secretary of the state examining boards.
- (21) 'Labeling' means the process of preparing and affixing a label to any drug container exclusive, however, of the labeling by a manufacturer, packer, or distributor of a nonprescription drug or commercially packaged legend drug or device. Any such label shall include all information required by federal, state, or federal and state law or rule.
- (22) 'Manufacturing' means the production, preparation, propagation, conversion, or processing of a drug or device, either directly or indirectly, by extraction from substances of natural origin or independently by means of chemical or biological synthesis and includes any packaging or repackaging of any substance or labeling or re-labeling of its container and the promotion and marketing of such drugs or devices. Manufacturing also includes the preparation and promotion of commercially available products from bulk compounds for resale by pharmacies, practitioners, or other persons.
- (23) 'Manufacturer' means a person engaged in the manufacturing of drugs or devices.
- (24) 'Nonprescription drug' means a drug which may be sold without a prescription and which is labeled for use by the consumer in accordance with the requirements of the laws and rules of this state and the federal government.
- (25) 'Patient counseling' means the oral communication by the pharmacist of information, as defined in the rules of the board, to the patient, patient's caregiver, or patient's agent, in order to improve therapy by ensuring proper use of drugs and devices.
- (26) 'Person' means an individual, corporation, partnership, or association.
- (27) 'Pharmaceutically equivalent' means drug products that contain identical amounts of the identical active ingredient, in identical dosage forms, but not necessarily containing the same inactive ingredients.
- (28) 'Pharmacist' means an individual currently licensed by this state to engage in the practice of pharmacy. This recognizes a pharmacist as a learned professional who is authorized to provide patient services and pharmacy care.
- (29) 'Pharmacist in charge' means a pharmacist currently licensed in this state who accepts responsibility for the operation of a pharmacy in conformance with all laws and rules pertinent to the practice of pharmacy and the distribution of drugs and who is personally in full and actual charge of such pharmacy and personnel.
- (30) 'Pharmacy' means:

(A) The profession, art, and science that deals with pharmacy care, drugs, or both, medicines, and medications, their nature, preparation, administration, dispensing, or effect; or

(B) Any place licensed in accordance with this Chapter wherein the possessing, displaying, compounding, dispensing, or selling of drugs may be conducted, including any and all portions of the building or structure leased, used, or controlled by the licensee in the conduct of the business or profession licensed by the board at the address for which the license was issued.

(31) 'Pharmacy care' means those services related to the interpretation, evaluation, or dispensing of prescription drug orders, the participation in drug and device selection, drug administration, and drug regimen reviews, and the provision of patient counseling related thereto.

(32) 'Pharmacy technician' means those support persons utilized in pharmacies whose responsibilities are to provide nonjudgmental technical services concerned with the preparation for dispensing of drugs under the direct supervision and responsibility of a pharmacist.

(33) 'Practitioner' or 'practitioner of the healing arts' means a physician, dentist, podiatrist, or veterinarian and shall include any other person licensed under the laws of this state to use, mix, prepare, dispense, prescribe, and administer drugs in connection with medical treatment to the extent provided by the laws of this state.

(34) 'Preceptor' means an individual who is currently licensed as a pharmacist by the board, meets the qualifications as a preceptor under the rules of the board, and participates in the instructional training of pharmacy interns.

(35) 'Prescription drug' or 'legend drug' means a drug which, under federal law, is required, prior to being dispensed or delivered, to be labeled with either of the following statements: 'Caution: Federal law prohibits dispensing without prescription' or 'Caution: federal law restricts this drug to use by, or on the order of, a licensed veterinarian'; or a drug which is required by any applicable federal or state law or rule to be dispensed pursuant only to a prescription drug order or is restricted to use by practitioners only; or a controlled substance, as defined in paragraph (7) of this Code section or a dangerous drug as defined in paragraph (8) of this Code section.

(36) 'Prescription drug order' means a lawful order of a practitioner for a drug or device for a specific patient.

(37) 'Prospective drug use review' means a review of the patient's drug therapy and prescription drug order, as defined in the rules of the board, prior to dispensing the drug as part of a drug regimen review.

(38) 'Reverse drug distributor' means a person, firm, or corporation which receives and handles drugs from within this state which are expired, discontinued, adulterated, or misbranded, under the provisions of Chapter 3 of this title, the 'Georgia Drug and Cosmetic Act,' from a pharmacy, drug distributor, or manufacturer for the purposes of destruction or other final disposition or for return to the original manufacturer of a drug.

(39) 'Significant adverse drug reaction' means a drug-related incident that may result in serious harm, injury, or death to the patient.

(40) 'Substitution' means to dispense pharmaceutically equivalent and therapeutically equivalent drug products as regulated by the board in place of the drug prescribed.

(41) 'Wholesale distributor' means any person engaged in wholesale distribution of drugs, including but not limited to manufacturers; repackagers; own label distributors; private label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses, and wholesale drug warehouses; independent wholesale drug traders; and retail and hospital pharmacies that conduct wholesale distributions.

ARTICLE 2

26-4-20.

(a) The Georgia State Board of Pharmacy existing immediately preceding July 1, 1998, is continued in existence, and members serving on the board immediately preceding that date shall continue to serve out their terms of office and until their respective successors are appointed and qualified.

(b) The responsibility for enforcement of the provisions of this chapter shall be vested in the Georgia State Board of Pharmacy. The board shall have all of the duties, powers, and authority specifically granted by or necessary for the enforcement of this chapter, as well as such other duties, powers, and authority as it may be granted from time to time by applicable law.

26-4-21.

(a) Each of the seven pharmacist members of the board shall, at the time of appointment:

- (1) Be a resident of this state for not less than six months;
- (2) Be currently licensed and in good standing to engage in the practice of pharmacy in this state;
- (3) Be actively engaged in the practice of pharmacy in this state;
- (4) Have five years of experience in the practice of pharmacy in this state after licensure; and
- (5) Not be officially employed as a full-time faculty member by any school or college of pharmacy.

(b) The one consumer member of the board shall be a resident of Georgia who has attained the age of majority and shall not have any connection whatsoever with the pharmaceutical industry.

(c) Appointees to the board shall immediately after their appointment take and subscribe to an oath or affirmation before a qualified officer that they will faithfully and impartially perform the duties of the office, which oath shall be filed with the Secretary of State, whereupon the Secretary of State shall issue to each appointee a certificate of appointment.

26-4-22.

(a) The board shall consist of seven members possessing the qualification specified in subsection (a) of Code Section 26-4-21 and one additional member possessing the qualifications specified in subsection (b) of Code Section 26-4-21 who shall be appointed by the Governor for a term of five years or until their successors are appointed and quali-

fied. Pharmacist members shall represent a diversity of practice settings and geographic dispersion of practitioners across the state.

(b) At the annual meeting of the Georgia Pharmacy Association, there may be nominated by such licensed pharmacists as may be present three practicing registered pharmacists who shall meet the qualifications imposed by subsection (a) of Code Section 26-4-21 to fill the next vacancy occurring on the board, except a vacancy in the consumer member position on said board, by reason of expiration of term. The secretary of said association may regularly submit to the Governor the names of the three pharmacists so nominated and the Governor may make the appointment to fill such vacancy from the names so submitted. Should any vacancy occur upon the board, other than in the consumer member position on the board and other than by reason of expiration of term, such vacancy may be filled by appointment by the Governor for the unexpired term from a group of three practicing registered pharmacists nominated as provided in this subsection at any regular or special meeting of the Georgia Pharmacy Association.

(c) The consumer member of the board shall also be appointed by the Governor. Such member shall vote only on matters relating to administration and policy which do not directly relate to practical and scientific examination of pharmacists for licensing in Georgia. Vacancies occurring in the membership of the board occupied by a consumer shall be filled by the Governor for the unexpired term of office.

26-4-23.

Any member who has failed to attend three consecutive regular monthly meetings of the board for any reason other than illness of such member shall be subject to removal by the Governor upon request of the board. The president of the board shall notify the Governor in writing when any such member has failed to attend three consecutive regular monthly meetings. Any member of the board may be removed by the Governor as provided in Code Section 43-1-17.

26-4-24.

The board shall meet at least annually to organize and elect a president and a vice-president from its members. The joint-secretary shall be the secretary of the board and shall have all the power, duties, and authority with reference to such board as shall be prescribed by Chapter 1 of Title 43 and shall perform such other duties as may be prescribed by the board. All appeals from the decision of the board, all documents or applications required by law to be filed with the board, and any notice or legal process to be served upon the board may be filed with or served upon the joint-secretary at his or her office in Fulton County.

26-4-25.

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

26-4-26.

(a) The board shall meet on a regular basis to transact its business. The board shall meet at such additional times as it may determine. Such additional meetings may be called by the president of the board or by at least two-thirds of the members of the board.

(b) Notice of all meetings of the board shall be given in the manner and pursuant to requirements prescribed by Chapter 14 of Title 50 relating to open meetings.

(c) A majority of the members of the board shall constitute a quorum for the conduct of a board meeting and, except where a greater number is required by this chapter or by any rule of the board, all actions of the board shall be by a majority of a quorum.

(d) All board meetings and hearings shall be open to the public. The board may, in its discretion and according to law, conduct any portion of its meeting in executive session closed to the public.

26-4-27.

The board may establish such rules and regulations not inconsistent with this chapter and as in its judgment will best carry out the requirements thereof.

26-4-28.

(a) The board shall have the power, duty, and authority for the control and regulation of the practice of pharmacy in the State of Georgia including, but not limited to, the following:

- (1) The licensing by examination or by license transfer of applicants who are qualified to engage in the practice of pharmacy under the provisions of this chapter;
- (2) The renewal of licenses to engage in the practice of pharmacy;
- (3) The establishment and enforcement of compliance with professional standards and rules of conduct of pharmacists engaged in the practice of pharmacy;
- (4) The determination and issuance of standards for recognition and approval of degree programs of schools and colleges of pharmacy whose graduates shall be eligible for licensure in this state, and the specification and enforcement of requirements for practical training including internship;
- (5) The enforcement of those provisions of this chapter relating to the conduct or competence of pharmacists practicing in this state and the suspension, revocation, or restriction of licenses to engage in the practice of pharmacy;
- (6) The licensure and regulation of pharmacies and pharmacy interns;
- (7) The regulation of other employees in the prescription or pharmacy department;
- (8) The collection of professional demographic data;
- (9) The right to seize any such drugs and devices found by the board to constitute an imminent danger to the public health and welfare;
- (10) The establishment of minimum specifications for the physical facilities, technical equipment, environment, supplies, personnel, and procedures for the storage, compounding and dispensing of such drugs or devices utilized within the practice of pharmacy;
- (11) The establishment of minimum standards for the purity and quality of such drugs utilized within the practice of pharmacy;
- (12) The establishment of minimum standards for the purity and quality of such devices and other materials utilized within the practice of pharmacy;
- (13) The issuance and renewal of licenses of all persons engaged in the manufacture and distribution of drugs;
- (14) The issuance and renewal of licenses of all persons engaged in the manufacture and distribution of devices utilized within the practice of pharmacy;
- (15) The inspection of any licensed person at all reasonable hours for the purpose of determining if any provisions of the laws governing the legal distribution of drugs or

devices or the practice of pharmacy are being violated. The board, its officers, agents, and designees shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this state, and of all other states relating to drugs, devices, and the practice of pharmacy;

(16) The investigation of alleged violations of this chapter or any other law in this state pertaining to, or in connection with, persons or firms licensed by the board or otherwise authorized by the laws of this state to manufacture, sell, distribute, dispense, or possess drugs, medicines, poisons, cosmetics, or devices, as related to misbranded or counterfeit drugs, or any rules and regulations promulgated by the board under this chapter; the conducting of investigative interviews or full board hearings, with or without the necessity of utilizing the Office of State Administrative Hearings, in respect thereto when in its discretion it appears to be necessary; and the bringing of such violations to the notice of the Attorney General;

(17) The listing at any time upon either a list under Article 3 of Chapter 13 of Title 16, the 'Dangerous Drug Act,' or upon a schedule under Article 2 of Chapter 13 of Title 16, the 'Georgia Controlled Substances Act,' of any drug found to be potentially dangerous to public safety if dispensed without prescription; and

(18) The expunging of the pharmacy related practice record of any pharmacist whose record consists of a sole sanction resulting from alcohol impairment and whose pharmacy related practice record during a five-year time period dating from the time of the sanction has incurred no additional charges or infractions.

(b) Proceedings by the board in the exercise of its authority to issue, cancel, suspend, or revoke any license issued under the terms of this chapter shall be conducted in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.' In all such proceedings the board shall have authority to compel the attendance of witnesses and the production of any book, writing, or document upon the issuance of a subpoena therefor signed by the secretary of the board. In any hearing in which the fitness of a licensee or applicant to practice pharmacy is in question, the board may exclude all persons from its deliberation of the appropriate action to be taken and may, when it deems it necessary, speak to a licensee or applicant in private.

(c) The board shall have such other duties, powers, and authority as may be necessary to the enforcement of this chapter and to the enforcement of board rules made pursuant thereto which shall include, but are not limited to, the following:

(1) The board may join such professional organizations and associations organized exclusively to promote the improvement of the standards of the practice of pharmacy for the protection of the health and welfare of the public and whose activities assist and facilitate the work of the board;

(2) The board may place under seal all drugs or devices that are owned by or in the possession, custody, or control of a licensee at the time his or her license is suspended or revoked or at the time the board refuses to renew his or her license. Except as otherwise provided in this section, drugs or devices so sealed shall not be disposed of until appeal rights under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' have expired, or an appeal filed pursuant to such Act has been determined. The court involved in an appeal filed pursuant to such Act may order the board, during the pendency of the appeal, to sell sealed drugs that are perishable. The proceeds of such a sale shall be deposited with that court;

(3) Except as otherwise provided to the contrary, the board shall exercise all of its duties, powers, and authority in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act';

(4) In addition to the fees specifically provided for in this chapter, the board may assess additional reasonable fees for services rendered to carry out its duties and responsibilities as required or authorized by this chapter or the rules and regulations promulgated by the board. Such services rendered shall include but not be limited to the following:

- (A) Issuance of duplicate certificates or identification cards;
- (B) Certification of documents;
- (C) License transfer;
- (D) Examination administration to a licensure applicant; and
- (E) Examination materials; and

(5) Cost Recovery.

(A) For any order issued in resolution of a disciplinary proceeding before the board, the board may direct any licensee found guilty of a charge involving a violation of any drug laws or rules to pay to the board a sum not to exceed the reasonable costs of the investigation and prosecution of the case and, in any case, not to exceed \$25,000. The costs to be assessed shall be fixed by the board and the costs so recovered shall be paid to the state treasury; and

(B) In the case of a pharmacy or wholesale distributor, the order issued may be made to the corporate owner, if any, and to any pharmacist, officer, owner, or partner of the pharmacy or wholesale distributor who is found to have had knowledge of or have participated knowingly in one or more of the violations set forth in this Code section.

Where an order for recovery of costs is made and timely payment is not made as directed in the board's decision, the board may enforce the order for payment in the court in the county where the administrative hearing was held. This right of enforcement shall be in addition to any other rights the board may have as to any person directed to pay costs. In any action for recovery of costs, proof of the board's decision shall be conclusive proof of the validity of the order of payment and the terms for payment.

26-4-29.

(a) The agency created in 1908 as the Office of the Chief Drug Inspector and known as the Georgia Drugs and Narcotics Agency since 1976 is continued in existence as the Georgia Drugs and Narcotics Agency. This agency shall be a budget unit as defined under Code Section 45-12-7; provided, however, that the agency shall be assigned for administrative purposes only, as defined in Code Section 50-4-3, to the office of the Secretary of State. The Georgia Drugs and Narcotics Agency is authorized by this Code section to enforce the drug laws of this state. The board shall appoint a director who shall be charged with supervision and control of such agency. The agency shall employ the number of personnel deemed necessary to properly protect the health, safety, and welfare of the citizens of this state. Such personnel shall be pharmacists registered in this state when employed as either special agents or the deputy director.

(b) The director shall hold office at the pleasure of the board, and should any vacancy occur in said office for any cause whatsoever, said board shall appoint a successor at a

regular or called meeting. The director shall be a pharmacist registered in this state. The salary of the director shall be fixed by the board. The whole time of the director shall be at the disposal of the board. The director, or agency personnel acting on behalf of the director, shall have the duty and the power to:

- (1) Visit and inspect factories, warehouses, wholesaling establishments, retailing establishments, chemical laboratories, and such other establishments in which any drugs, devices, cosmetics, and such articles known as family remedies, grocer's drugs, and toilet articles are manufactured, processed, packaged, sold at wholesale, sold at retail, or otherwise held for introduction into commerce;
 - (2) Enter and inspect any vehicle used to transport or hold any drugs, devices, cosmetics, or any of the articles listed in paragraph (1) of this subsection;
 - (3) Investigate alleged violations of laws and regulations regarding drugs, devices, cosmetics, or any of the articles listed in paragraph (1) of this subsection;
 - (4) Take up samples of the articles listed in paragraph (1) of this subsection from any of the said establishments for examination and analysis by the state chemist, or under such person's direction and supervision, as provided by Code Section 26-4-131;
 - (5) Seize and take possession of all articles which are declared to be contraband under Chapter 13 of Title 16 and Chapters 3 and 4 of this title and deliver such articles to the agency;
 - (6) Compel the attendance of witnesses and the production of evidence on behalf of the board via a subpoena issued by the director, when there is reason to believe any violations of laws or regulations concerning drugs, devices, cosmetics, or any of the articles listed in paragraph (1) of this subsection have occurred; and
 - (7) Perform such other duties as may be directed by the board.
- (c) The director, deputy director, and special agents of the Georgia Drugs and Narcotics Agency shall have the authority and power that sheriffs possess to make arrests of any persons violating or charged with violating Chapter 13 of Title 16 and Chapters 3 and 4 of this title. The deputy director and special agents shall be required to be P.O.S.T. certified peace officers under Chapter 8 of Title 35, the 'Georgia Peace Officer Standards and Training Act.'
- (1) In case of such arrest, the director, deputy director, or any of the special agents shall immediately deliver the person so arrested to the custody of the sheriff of the county wherein the offense is alleged to have been committed. The duty of the sheriff in regard to the person delivered to the sheriff by any such person arrested under power of this Code section shall be the same as if the sheriff had made the original arrest.
 - (2) When the deputy director or a special agent employed by the Georgia Drugs and Narcotics Agency leaves the agency under honorable conditions after accumulating 25 years of service in the agency, as a result of a disability arising in the line of duty, or pursuant to approval by the State Board of Pharmacy, such director or agent shall be entitled to retain his or her weapon and badge pursuant to approval by the State Board of Pharmacy, and, upon leaving the agency, the director of the Georgia Drugs and Narcotics Agency shall retain his or her weapon and badge pursuant to approval by the State Board of Pharmacy.
- (d) Except as otherwise provided in this chapter, upon receiving a summary report from agency personnel, the director shall report to the board what have been deter-

mined to be violations of the drug laws and rules over which the board has authority. After such reports have been made to the board, the board can instruct the director to:

- (1) Cite any such person or establishment to appear before the cognizant member of the board for an investigative interview;
 - (2) Forward such reports to the Attorney General's office for action decided on by the board; or
 - (3) Take whatever other action the board deems necessary.
- (e) The Georgia Drugs and Narcotics Agency shall compile and submit to the General Assembly during each annual legislative session a list of known dangerous drugs as defined in subsection (a) of Code Section 16-13-71 and any other drugs or devices which the board has determined may be dangerous or detrimental to the public health and safety and should require a prescription, and the Georgia Drugs and Narcotics Agency shall assist the State Board of Pharmacy during each annual legislative session by compiling and submitting a list of substances to add to or reschedule substances enumerated in the schedules in Code Sections 16-13-25 through 16-13-29 by using the guidelines set forth in Code Section 16-13-22.

- (1) The State Board of Pharmacy is authorized and directed to publish and distribute the 'Dangerous Drug List' as prepared by the Georgia Drugs and Narcotics Agency and the 'Georgia Controlled Substances Act' as enacted by law.
- (2) The Georgia State Board of Pharmacy shall provide for a fee as deemed reasonable or at no cost, such number of copies of the 'Dangerous Drug List' and 'Georgia Controlled Substances Act' to law enforcement officials, school officials, parents, and other interested citizens as are required.

26-4-30.

This chapter shall not be construed to prohibit the sale by general merchants or other nonpharmacy retailers of nonprescription drugs when sold only in their original and unbroken packages.

ARTICLE 3

26-4-40.

- (a) Except as otherwise provided in this chapter, it shall be unlawful for any individual to engage in the practice of pharmacy unless currently licensed to practice under the provisions of this chapter;
- (b) Practitioners authorized under the laws of this state to compound drugs and to dispense drugs to their patients in the practice of their respective professions shall not be required to be licensed under the provisions of this chapter; however, practitioners shall meet the same standards, record-keeping requirements, and all other requirements for the dispensing of drugs applicable to pharmacists.
- (c) Any individual who, after hearing, shall be found by the board to have unlawfully engaged in the practice of pharmacy shall be subject to a fine to be imposed by the board for each offense. Each violation of this chapter pertaining to unlawfully engaging in the practice of pharmacy shall also constitute a felony punishable upon conviction thereof by a fine of not less than \$500.00 nor more than \$1,000.00 or by imprisonment for not less than two nor more than five years, or both.

26-4-41.

- (a) To obtain a license to engage in the practice of pharmacy, an applicant for licensure by examination shall:

- (1) Have submitted a written application in the form prescribed by the board;
- (2) Have attained the age of majority;
- (3) Be of good moral character;
- (4) Have graduated and received a professional undergraduate degree from a college or school of pharmacy that has been approved by the board;
- (5) Have completed an internship or other program that has been approved by the board or demonstrated to the board's satisfaction that experience in the practice of pharmacy which meets or exceeds the minimum internship requirements of the board;
- (6) Have successfully passed an examination or examinations approved by the board; and
- (7) Have paid the fees specified by the board for the examination and any related materials and have paid for the issuance of the license.

(b) Examinations.

- (1) The examination for licensure required under paragraph (6) of subsection (a) of this Code section shall be made available by the board at least two times during each year. The board shall determine the content and subject matter of each examination, and the place, time, and date of administration of the examination;
- (2) The examination shall be prepared to measure the competence of the applicant to engage in the practice of pharmacy. The board may employ, cooperate, and contract with any organization or consultant in the preparation and grading of an examination, but shall retain the sole discretion and responsibility for determining which applicants have successfully passed such an examination; and
- (3) Any person who takes the board examination and fails the examination may repeat the examination at regular intervals of administration; however, a person may not take the examination more than three times without permission from the board. A person who has taken the board examination and failed the examination for the third time may not practice as a pharmacy intern. A person who takes the board examination and successfully completes the examination must become licensed within two years of the examination date or the results of the examination shall become invalid.

(c) Internship and Other Training Programs.

- (1) All applicants for licensure by examination shall obtain practical experience in the practice of pharmacy concurrent with or after college attendance or both under such terms and conditions as the board shall determine; and
- (2) The board shall establish such licensure requirements for interns and standards for internship or any other experiential program necessary to qualify an applicant for the licensure examination and shall also determine the qualifications of preceptors used in practical experience programs.

26-4-42.

(a) In order for a pharmacist currently licensed in another jurisdiction to obtain a license as a pharmacist by license transfer in this state, an applicant shall:

- (1) Complete and file a form applying for licensure with the board, which form shall include the applicant's name, address, and other such information as prescribed by the board, and, after an investigation by agents acting on behalf of the board, if so

requested by the board, produce evidence satisfactory to the board which shows the applicant has the age, moral character, background, education, and experience demanded of applicants for registration by examination under this chapter and by the rules and regulations promulgated under this chapter;

- (2) Have attained the age of majority;
- (3) Be of good moral character;
- (4) Have possessed at the time of initial licensure as a pharmacist all qualifications necessary to have been eligible for licensure at that time in this state;
- (5) Have presented to the board proof of initial licensure by examination and proof that such license is in good standing;
- (6) Have presented to the board proof that any other license granted to the applicant by any other state has not been suspended, revoked, or otherwise restricted for any reason except nonrenewal or for the failure to obtain the required continuing education credits in any state where the applicant is currently licensed but not engaged in the practice of pharmacy;
- (7) Have successfully passed an examination by the board on Georgia pharmacy law and board regulations; and
- (8) Have paid the fees specified by the board.

(b) No applicant shall be eligible for license transfer unless the state in which the applicant was licensed as a pharmacist also grants licensure transfer to pharmacists duly licensed by examination in this state under like circumstances and conditions.

(c) To obtain a license to engage in the practice of pharmacy, a foreign pharmacy graduate applicant shall obtain the National Association of Boards of Pharmacy Foreign Pharmacy Graduate Examination Committee's certification which shall include, but not be limited to, successfully passing the Foreign Pharmacy Graduate Equivalency Examination as well as attaining a passing score on the Test of English as a Foreign Language (TOEFL) as established by the board. Additionally, a foreign pharmacy graduate applicant shall:

- (1) Have submitted a written application in the form prescribed by the board;
- (2) Have attained the age of majority;
- (3) Be of good moral character;
- (4) Have possessed at the time of initial licensure as a pharmacist all qualifications necessary to have been eligible for licensure at that time in this state;
- (5) Have graduated and been granted a pharmacy degree from a college or school of pharmacy recognized by the National Association of Boards of Pharmacy Foreign Pharmacy Graduate Examination Committee;
- (6) Have successfully passed an examination approved by the board; and
- (7) Have paid the fees specified by the board.

26-4-43.

A temporary license may be issued by the joint-secretary upon the approval of the president of the board if an applicant produces satisfactory evidence of fulfilling the requirements for licensure under this article, except the examination requirement, and evidence of an emergency situation justifying such temporary license. All temporary licenses shall expire at the end of the month during which the first board meeting is conducted following the issuance of such license and may not be reissued or renewed.

26-4-44.

(a) Each pharmacist shall apply for renewal of his or her license biennially pursuant to the rules and regulations promulgated by the board. A pharmacist who desires to continue in the practice of pharmacy in this state shall file with the board an application in such form and containing such data as the board may require for renewal of the license. Notice of any change of employment or change of business address shall be filed with the joint-secretary within ten days after such change. If the board finds that the applicant has been licensed and that such license has not been revoked or placed under suspension and that the applicant has paid the renewal fee, has continued his or her pharmacy education in accordance with Code Section 26-4-45 and the rules and regulations of the board, and is entitled to continue in the practice of pharmacy, then the board shall issue a license to the applicant.

(b) If a pharmacist fails to make application to the board for renewal of his or her license as set forth in and in accordance with the provisions of this chapter, the pharmacist must apply for reinstatement pursuant to the rules of the board.

26-4-45.

The board shall establish a program of continuing professional pharmaceutical education for the renewal of pharmacist licenses. Notwithstanding any other provision of this chapter, no pharmacist license shall be renewed by the board or the joint-secretary until the pharmacist submits to the board satisfactory proof of his or her participation, during the biennium preceding his or her application for renewal, in a minimum of 30 hours of approved programs of continuing professional pharmacy education as defined in this Code section. Continuing professional pharmacy education shall consist of educational programs providing training pertinent to the practice of pharmacy and approved by the board under this Code section. The board shall approve educational programs for persons practicing pharmacy in this state on a reasonable nondiscriminatory fee basis and may contract with institutions of higher learning, professional organizations, or qualified individuals for the providing of approved programs. In addition to such programs, the board shall allow the continuing professional pharmacy education requirement to be fulfilled by the completion of approved correspondence courses which provide the required hours of approved programs of continuing professional pharmaceutical education or to be fulfilled by a combination of approved correspondence courses and other approved educational programs. The board may, consistent with the requirements of this Code section, promulgate rules and regulations to implement and administer this Code section, including the establishment of a committee to prescribe standards, approve and contract for educational programs, and set the required minimum number of hours per year.

26-4-46.

(a) To obtain a license as a pharmacy intern, an applicant shall:

- (1) Have submitted a written application in the form prescribed by the board of pharmacy;
- (2) Have attained the age of majority;
- (3) Be of good moral character; and
- (4) Have paid the fees specified by the board for the issuance of the license.

(b) The following individuals shall be eligible to be licensed as a pharmacy intern:

- (1) A student who is currently enrolled in an approved school or college of pharmacy;

(2) An individual who is a graduate of an approved school or college of pharmacy who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist; or

(3) An individual who does not otherwise meet the requirements of paragraph (1) or (2) of this subsection and who has established educational equivalency by obtaining a Foreign Pharmacy Graduate Examination Committee (FPGEC) certificate, who is currently licensed by the board for the purpose of obtaining practical experience as a requirement for licensure as a pharmacist.

(c) The board shall approve all internship programs for the purpose of providing the practical experience necessary for licensure as a pharmacist. A pharmacy intern is authorized to engage in the practice of pharmacy under the supervision of a pharmacist. The board shall adopt rules regarding the licensure of interns and the standards for internship programs.

26-4-47.

(a) Licenses issued under Code Section 26-4-46 shall bear the date of issuance and shall be valid for up to five years. Unless said license is renewed by the board, the license shall expire.

(b) Any license issued pursuant to Code Section 26-4-46 shall expire at the time a pharmacy intern is expelled, suspended, dismissed, or withdraws from an approved school or college of pharmacy or is otherwise licensed as a pharmacist pursuant to this title.

(c) Any license issued pursuant to Code Section 26-4-46 shall expire upon notification that a person has taken and failed the board examination for the third time.

26-4-48.

Licenses issued pursuant to Code Section 26-4-46 which shall expire by lapse of time may be renewed upon application, unless, at the time of expiration, there shall be pending action before the board to suspend or revoke such license.

26-4-49.

(a) Every person, firm, corporation, agency, department, or other entity located within this state which handles, possesses, or utilizes controlled substances or dangerous drugs, as defined in Chapter 13 of Title 16, for the purposes of conducting research, analysis, animal training, or drug education, as such purposes may be further defined by the board, and is not otherwise registered as a pharmacist, pharmacy, drug wholesaler, distributor, supplier, or practitioner shall biennially register with the state board of pharmacy for a drug researcher permit which shall entitle the holder thereof to purchase, receive, possess, or dispose of such controlled substances and dangerous drugs for such purposes. In applying for the permit:

(1) The application for registration shall be made on a form to be prescribed and furnished by said board and shall show at a minimum the name of the person responsible for filing the application, the name of the applying firm, corporation, agency, department, or other entity, if applicable, the address where the controlled substances or dangerous drugs will be kept secured and can be inspected by the board, together with such other information as may be required by the board;

(2) The person filing the application for the permit shall be the responsible person for the safe and proper storage and accountability, as defined under Chapter 13 of Title 16, for any and all controlled substances and dangerous drugs. Such person shall be responsible for maintaining exact and accurate records regarding the

purchase, receipt, utilization, and disposal of all controlled substances and dangerous drugs utilized for purposes granted by this permit. All records must be maintained for a minimum of two years and be readily available for inspection by agents of the board; and

(3) Before approval by the board for any permit issued under this Code section, the application for registration must successfully undergo a thorough investigation by agents of the board to ensure the applicant complies with all applicable laws, rules, and regulations pursuant to handling controlled substances and dangerous drugs as defined under Chapter 13 of Title 16.

(b) The board may require that the application for registration as a drug researcher be accompanied by a fee in an amount established under rules promulgated by the board, and the board may establish conditions for exemptions from such fees. Such registration shall not be transferable and shall expire on the expiration date established by the joint-secretary and may be renewed pursuant to rules and regulations promulgated by the board. If not renewed, the registration shall lapse and become null and void.

(c) The board shall have the authority to promulgate rules and regulations governing the holder of a drug researcher permit as defined under this Code section.

(d) A drug researcher permit may be suspended or revoked or the registrant may be reprimanded, fined, or placed on probation by the board if the registrant fails to comply with all applicable local, state, or federal laws, rules, and regulations.

(e) A holder of a drug researcher permit who is not also licensed as a pharmacist practicing in a duly licensed pharmacy shall not engage in the sale, distribution, or dispensing of controlled substances or dangerous drugs.

(f) Any person, firm, or corporation which violates any provision of this Code section shall be guilty of a felony and, upon conviction thereof, be punished by imprisonment for not less than one year nor more than five years or by a fine not to exceed \$10,000.00 or both.

ARTICLE 4

26-4-60.

(a) The board of pharmacy may refuse to issue or renew, or may suspend, revoke, or restrict the licenses of, or fine any person pursuant to the procedures set forth in this Code section, upon one or more of the following grounds:

(1) Unprofessional conduct as that term is defined by the rules of the board;

(2) Incapacity that prevents a licensee from engaging in the practice of pharmacy with reasonable skill, competence, and safety to the public;

(3) Being guilty of one or more of the following:

(A) A felony;

(B) Any act involving moral turpitude; or

(C) Violations of the pharmacy or drug laws of this state, or rules and regulations pertaining thereto, or of laws, rules, and regulations of any other state, or of the federal government;

(4) Misrepresentation of a material fact by a licensee in securing the issuance or renewal of a license;

- (5) Engaging or aiding and abetting an individual to engage in the practice of pharmacy without a license falsely using the title of 'pharmacist' or 'pharmacy intern,' or falsely using the term 'pharmacy' in any manner;
- (6) Failing to pay the costs assessed in a disciplinary hearing pursuant to subsection (c) of Code Section 26-4-28;
- (7) Becoming unfit or incompetent to practice pharmacy by reason of:
- (A) Intemperance in the use of alcoholic beverages, narcotics, or habit-forming drugs or stimulants; or
 - (B) Any abnormal physical or mental condition which threatens the safety of persons to whom such person may compound or dispense prescriptions, drugs, or devices or for whom he or she might manufacture, prepare, or package or supervise the manufacturing, preparation, or packaging of prescriptions, drugs, or devices;
- (8) Being adjudicated to be mentally ill or insane;
- (9) Violating any rules and regulations promulgated by the board;
- (10) Promoting to the public in any manner a drug which may be dispensed only pursuant to prescription;
- (11) Regularly employing the mails or other common carriers to sell, distribute, and deliver a drug which requires a prescription directly to a patient; however, this provision shall not prohibit the use of the mails or other common carriers to sell, distribute, and deliver a prescription drug directly to an institution;
- (12) Unless otherwise authorized by law, dispensing or causing to be dispensed a different drug or brand of drug in place of the drug or brand of drug ordered or prescribed without the prior authorization of the practitioner ordering or prescribing the same;
- (13) Violating or attempting to violate a statute, law, any lawfully promulgated rule or regulation of this state, any other state, the board, the United States, or any other lawful authority without regard to whether the violation is criminally punishable, which statute, law, rule, or regulation relates to or in part regulates the practice of pharmacy, when the licensee or applicant knows or should know that such action is violative of such statute, law, or rule; or violating either a public or confidential lawful order of the board previously entered by the board in a disciplinary hearing, consent decree, or license reinstatement; or
- (14) Having his or her license to practice pharmacy revoked, suspended, or annulled by any lawful licensing authority of this or any other state, having disciplinary action taken against him or her by any lawful licensing authority of this or any other state, or being denied a license by any lawful licensing authority of this or any other state.
- (b) The board shall have the power to suspend or revoke the license of the pharmacist in charge when a complete and accurate record of all controlled substances on hand, received, manufactured, sold, dispensed, or otherwise disposed of has not been kept by the pharmacy in conformance with the record keeping and inventory requirements of federal law and the rules of the board.
- (c) Any person whose license to practice pharmacy in this state has been suspended, revoked, or restricted pursuant to this chapter, whether voluntarily or by action of the board, shall have the right, at reasonable intervals, to petition the board for reinstatement of such license pursuant to rules and regulations promulgated by the board.

Such petition shall be made in writing and in the form prescribed by the board. Upon investigation and hearing, the board may, in its discretion, grant or deny such petition, or it may modify its original finding to reflect any circumstances which have changed sufficiently to warrant such modifications.

(d) Nothing in this Code section shall be construed as barring criminal prosecutions for violations of this chapter.

(e) All final decisions by the board shall be subject to judicial review pursuant to Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(f) Any individual or entity whose license to practice pharmacy is revoked, suspended, or not renewed shall return his or her license to the offices of the board within ten days after receipt of notice of such action.

(g) For purposes of this Code section, a conviction shall include a finding or verdict of guilty, a plea of guilty, or a plea of nolo contendere in a criminal proceeding, regardless of whether the adjudication of guilt or sentence is withheld or not entered thereon.

(h) Nothing in this Code section shall be construed as barring or prohibiting pharmacists from providing or distributing health or drug product information or materials to patients which is intended to improve the health care of patients.

(i) The board shall have the power to suspend any license issued under this article when such holder is not in compliance with a court order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3. The board shall also have the power to deny the application for issuance or renewal of a license under this part when such applicant is not in compliance with a court order for child support as provided in either of such Code sections. The hearings and appeals procedures provided for in such Code sections shall be the only such procedures required to suspend or deny any license issued under this article.

(j) Nothing in this chapter shall prohibit any person from assisting any duly licensed pharmacist or practitioner in the measuring of quantities of medication and the typing of labels therefor, but excluding the dispensing, compounding, or mixing of drugs, provided that such duly licensed pharmacist or practitioner shall be physically present in the dispensing area and actually observing the actions of such person in doing such measuring and typing, and provided, further, that no prescription shall be given to the person requesting the same unless the contents and the label thereof shall have been verified by a licensed pharmacist or practitioner.

26-4-61.

Notwithstanding any provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' the board may, without a hearing, temporarily suspend a license for not more than 60 days if the board finds that a pharmacist or pharmacy intern has violated a law or rule that the board is empowered to enforce, and if continued practice by the pharmacist or pharmacy intern would create an imminent risk of harm to the public. The suspension shall take effect upon written notice to the pharmacist or pharmacy intern, specifying the law or rule violated. At the time it issues the suspension notice, the board shall schedule a disciplinary hearing to be held under Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' within 20 days thereafter. The pharmacist or pharmacy intern shall be provided with at least ten days notice of any hearing held under this subsection.

26-4-62.

Except ~~as otherwise provided~~ in this chapter or in Chapter 13 of Title 16, any violation of this chapter shall constitute a misdemeanor.

ARTICLE 5

26-4-80.

(a) All persons engaging in the practice of pharmacy in this state must be licensed by the board.

(b) Prescription drugs shall be dispensed only pursuant to a valid prescription drug order. A pharmacist shall not dispense a prescription which the pharmacist knows or should know is not a valid prescription.

(c) A prescription drug order may be accepted by a pharmacist or pharmacy intern in written form, orally, via facsimile, or electronically as set forth in this chapter or as set forth in regulations promulgated by the board. Provisions for accepting a prescription drug order for a schedule II controlled substance are set forth in subsection (1) of this Code section. Prescriptions transmitted either electronically or via facsimile shall meet the following requirements:

(1) Electronically transmitted prescription drug orders shall be transmitted by the practitioner or, in the case of a prescription drug order to be transmitted via facsimile, by the practitioner or the practitioner's agent under supervision of the practitioner, to the pharmacy of the patient's choice with no intervening person or intermediary having access to the prescription drug order;

(2) Prescription drug orders transmitted by facsimile or computer shall include:

(A) In the case of a prescription drug order for a dangerous drug, the complete name and address of the practitioner;

(B) In the case of a prescription drug order for a controlled substance, the complete name, address, and DEA registration number of the practitioner;

(C) The telephone number of the practitioner for verbal confirmation;

(D) The name and address of the patient;

(E) The time and date of the transmission; and

(F) The full name of the person transmitting the order;

(3) An electronically transmitted drug order which meets the requirements of this Code section shall be deemed the original order;

(4) The pharmacist shall exercise professional judgment regarding the accuracy and authenticity of the transmitted prescription drug order consistent with federal and state laws and rules and regulations adopted pursuant to the same;

(5) An electronically transmitted prescription drug order from a prescriber to a pharmacist shall be considered a highly confidential transaction and the said transmission shall not be compromised by interventions, control, change, altering, or manipulation by any other person or party in any manner whatsoever;

(6) Any pharmacist that transmits, receives, or maintains any prescription or prescription refill either orally, in writing, or electronically shall ensure the security, integrity, and confidentiality of the prescription and any information contained therein; and

- (7) The board shall promulgate rules and regulations which may provide specific exceptions under this Code section for institutional settings such as hospital pharmacies, nursing home pharmacies, clinic pharmacies, or pharmacies owned or operated directly by health maintenance organizations.
- (d) Information contained in the patient medication record or profile shall be considered confidential information as defined in this title. Confidential information may be released to the patient or the patient's authorized representative, the prescriber or other licensed health care practitioners then caring for the patient, another licensed pharmacist, the board or its representative, or any other person duly authorized to receive such information. In accordance with Code Section 24-9-40, confidential information may be released to others only on the written release of the patient, court order, or subpoena.
- (e) Except as authorized under subsection (j) of this Code section, a prescription may not be refilled without authorization. When refills are dispensed pursuant to authorization contained on the original prescription or when no refills are authorized on the original prescription but refills are subsequently authorized by the practitioner, the refill authorization shall be recorded on the original prescription document and the record of any refill made shall be maintained on the back of the original prescription document or on some other uniformly maintained record and the dispensing pharmacist shall record the date of the refill, the quantity of the drug dispensed and the dispensing pharmacist's initials; provided, however, that an original prescription for a schedule III, IV, or V controlled substance which contains no refill information may not be authorized to be refilled more than five times or after six months from the date of issuance, whichever occurs first. Authorization for any additional refill of a schedule III, IV, or V controlled substance prescription in excess of five refills or after six months from the date of issuance of the prescription shall be treated as a new prescription.
- (f) When filling a prescription or refilling a prescription which may be refilled, the pharmacist shall exercise professional judgment in the matter. No prescription shall be filled or refilled with greater frequency than the approximate interval of time that the dosage regimen ordered by the prescriber would indicate, unless extenuating circumstances are documented which would justify a shorter interval of time before the filling or refilling of the prescription.
- (g) The pharmacist who fills or refills a prescription shall record the date of dispensing and indicate the identity of the dispensing pharmacist on the prescription document or some other appropriate and uniformly maintained record. If this record is maintained on the original prescription document, the original dispensing and any refills must be recorded on the back of the prescription.
- (h) When the patient no longer seeks personal consultation or treatment from the practitioner, the practitioner and patient relationship is terminated. A prescription becomes invalid after the practitioner and patient relationship is terminated which is defined as a reasonable period of time not to exceed six months in which the patient could have established a new practitioner and patient relationship as established by the board through the promulgation of rules and regulations.
- (i) A written prescription drug order must bear an original signature of the practitioner. A signature stamp or other signature facsimile is not acceptable in lieu of an original signature. When an oral prescription drug order or the oral authorization for the refilling of a prescription drug order is received which is transmitted by someone

other than the practitioner, the name of the individual making the transmission and the date of the transmission must be recorded on the original prescription drug order or other uniform record by the pharmacist receiving the transmission.

(j) A pharmacist licensed by the board may dispense up to a 72 hour supply of a prescribed medication in the event the pharmacist is unable to contact the practitioner to obtain refill authorization, provided that:

- (1) The prescription is not for a controlled substance;
- (2) In the pharmacist's professional judgment, the interruption of therapy might reasonably produce undesirable health consequences or may cause physical or mental discomfort;
- (3) The dispensing pharmacist notifies the practitioner or his or her agent of the dispensing within seven working days after the prescription is refilled pursuant to this subsection;
- (4) The pharmacist properly records the dispensing as a separate nonrefillable prescription. Said document shall be filed as is required of all other prescription records. This document shall be serially numbered and contain all information required of other prescriptions. In addition it shall contain the number of the prescription from which it was refilled;
- (5) The pharmacist shall record on the patient's record and on the new document the circumstances which warrant such dispensing; and
- (6) The pharmacist does not employ this provision regularly for the same patient on the same medication.

(k) All out-patient prescription drug orders which are dispensed shall be appropriately labeled in accordance with the rules and regulations promulgated by the board as follows:

- (1) Before an out-patient prescription drug is released from the dispensing area, the prescription drug shall bear a label containing the name and address of the pharmacy, a prescription number, the name of the prescriber, the name of the patient, directions for taking the medication, the date of the filling or refilling of the prescription, the initials or identifying code of the dispensing pharmacist, and any other information which is necessary, required, or, in the pharmacist's professional judgment, appropriate; and
 - (2) The pharmacist who fills an out-patient prescription drug order shall indicate the identity of the dispensing pharmacist on the label of the prescription drug. Identification may be made by placing initials on the label of the dispensed drug. The label shall be affixed to the outside of the container of the dispensed drug by means of adhesive or tape or any other means which will assure that the label remains attached to the container.
- (l) A schedule II controlled substance prescription in written form signed in indelible ink by the practitioner may be accepted by a pharmacist and the schedule II controlled substance may be dispensed by such pharmacist. Other schedule II controlled substance prescription forms may be accepted by a pharmacist and the schedule II controlled substance may be dispensed by such pharmacist in accordance with regulations promulgated by the board.

26-4-81.

(a) In accordance with this Code section, a pharmacist may substitute a drug with the same generic name in the same strength, quantity, dose, and dosage form as the prescribed brand name drug product which is, in the pharmacist's reasonable professional opinion, pharmaceutically equivalent.

(b) If a practitioner of the healing arts prescribes a drug by its generic name, the pharmacist shall dispense the lowest retail priced drug product which is in stock and which is, in the pharmacist's reasonable professional opinion, pharmaceutically equivalent.

(c) Substitutions as provided for in subsections (a) and (b) of this Code section are authorized for the express purpose of making available to the consumer the lowest retail priced drug product which is in stock and which is, in the pharmacist's reasonable professional opinion, both therapeutically equivalent and pharmaceutically equivalent.

(d) Whenever a substitution is made, the pharmacist shall record on the original prescription the fact that there has been a substitution and the identity of the dispensed drug product and its manufacturer. Such prescription shall be made available for inspection by the board or its representative in accordance with the rules of the board.

(e) The substitution of any drug by a registered pharmacist pursuant to this Code section does not constitute the practice of medicine.

(f) A patient for whom a prescription drug order is intended may instruct a pharmacist not to substitute a generic name drug in lieu of a brand name drug.

(g) A practitioner of the healing arts may instruct the pharmacist not to substitute a generic name drug in lieu of a brand name drug by including the words 'brand necessary' in the body of the prescription. Such indication of brand necessary must be in the practitioner's own handwriting and shall not be printed, applied by rubber stamp, or any such similar means.

(h) The substitution of any drug by a registered pharmacist pursuant to this Code section does not constitute the practice of medicine.

26-4-82.

(a) In dispensing drugs, no individual other than a licensed pharmacist shall perform or conduct those duties or functions which require professional judgment. It shall be the responsibility of the supervising pharmacist to ensure that no other employee of the pharmacy, including pharmacy technicians, performs or conducts those duties or functions which require professional judgment.

(b) For all prescriptions, it shall be the responsibility of the pharmacist on duty at a facility to ensure that only a pharmacist or a pharmacy intern under the direct supervision of a pharmacist provides professional consultation and counseling with patients or other licensed health care professionals, and that only a pharmacist or a pharmacy intern under the direct supervision of a pharmacist accepts initial telephoned prescription orders or provides information in any manner relative to prescriptions or prescription drugs.

(c) In the dispensing of all prescription drug orders:

(1) The pharmacist shall be responsible for all activities of the pharmacy technician in the preparation of the drug for delivery to the patient;

(2) The pharmacist shall be present and personally supervising the activities of the pharmacy technician at all times;

(3) When electronic systems are employed within the pharmacy, pharmacy technicians may enter information into the system and prepare labels; provided, however, that it shall be the responsibility of the pharmacist to verify the accuracy of the information entered and the label produced in conjunction with the prescription drug order;

(4) When a prescription drug order is presented for refilling, it shall be the responsibility of the pharmacist to review all appropriate information and make the determination as to whether to refill the prescription drug order; and

(5) Pharmacy technicians in the dispensing area shall be easily identifiable.

(d) The board of pharmacy shall promulgate rules and regulations regarding the activities and utilization of pharmacy technicians in pharmacies; provided, however, that the pharmacist to pharmacy technician ratio shall not exceed one pharmacist providing direct supervision of two pharmacy technicians. The board may consider and approve an application to increase the ratio in a pharmacy located in a licensed hospital. Such application must be made in writing and must be submitted to the board by the pharmacist in charge of a specific hospital pharmacy in this state.

(e) In addition to the utilization of pharmacy technicians, a pharmacist may be assisted by and directly supervise one pharmacy intern and one pharmacy extern.

26-4-83.

(a) The board of pharmacy may refuse to renew or may suspend, revoke, or restrict the licenses of or fine any person or pharmacy pursuant to the procedures set forth in this Code section and rules and regulations established by the board upon the failure to maintain an appropriate patient record system.

(b) A patient record system shall be maintained by all pharmacies for patients for whom prescription drug orders are dispensed. The patient record system shall provide for the immediate retrieval of information necessary by the pharmacist to identify previously dispensed drugs at the time a prescription drug order is presented for dispensing. The pharmacist or the pharmacist's designee shall make a reasonable effort to obtain, record, and maintain the following information:

- (1) The full name of the patient for whom the drug is intended;
- (2) The address and telephone number of the patient;
- (3) The date of birth of the patient; and
- (4) The gender of the patient.

(c) The pharmacist shall make a reasonable effort to obtain from the patient or the patient's agent and shall record any known allergies, drug reactions, idiosyncrasies, and chronic conditions or disease states of the patient and identify any other drugs, including over-the-counter drugs or devices, currently being used by the patient which may relate to prospective drug use review unless the patient or the patient's agent refuses to provide such information. The pharmacist shall make a reasonable effort to obtain, record, and maintain the following information:

- (1) A list of all prescription drug orders obtained by the patient at the pharmacy where the prescription drug order is being filled for at least the preceding two years, showing the prescription number, the name and strength of the drug, the quantity and date dispensed, and the name of the prescribing practitioner; and
- (2) Comments from the pharmacist relevant to the individual's drug therapy, including any other information peculiar to the specific patient or drug.

(d) A patient record shall be maintained for a period of not less than two years from the date of the last entry in the profile record. This record may be a hard copy of a computerized form.

26-4-84.

(a) The board of pharmacy may refuse to renew or may suspend, revoke, or restrict the licenses of or fine any person or pharmacy pursuant to the procedures set forth in this Code section upon the failure to review patient records and prescription drug orders.

(b) A pharmacist shall review the patient record and each prescription drug order presented for dispensing for the purposes of promoting therapeutic appropriateness by identifying:

- (1) Overutilization or underutilization;
- (2) Therapeutic duplications;
- (3) Drug-disease contraindications;
- (4) Drug-drug interactions;
- (5) Incorrect drug dosage, dosage form, or duration of drug therapy;
- (6) Drug-allergy interactions; and
- (7) Clinical abuse or misuse.

(c) Upon recognizing any of the above situations, the pharmacist shall take appropriate steps to avoid or resolve the situation or problem which shall, if necessary, include consultation with the prescribing practitioner.

26-4-85.

(a) The board of pharmacy may refuse to renew or may suspend, revoke, or restrict the licenses of or fine any person or pharmacy pursuant to the procedures set forth in this Code section upon the failure to offer to counsel patients.

(b) Upon receipt of a prescription drug order and following a review of the patient's record, the pharmacist or the pharmacy intern operating under the direct supervision of the pharmacist shall personally offer to discuss matters which will enhance or optimize drug therapy with each patient or caregiver of such a patient. Such discussion shall be in person, whenever practicable, or by telephone and shall include appropriate elements of patient counseling, based on the professional judgment of the pharmacist. Such elements may include but are not limited to the following:

- (1) The name and description of the drug;
- (2) The dosage form, dose, route of administration and duration of therapy;
- (3) The intended use of the drug and expected action or result;
- (4) Any special directions or precautions for preparation, administration or use by the patient;
- (5) Common severe side effects or adverse effects or interactions and therapeutic contraindications that may be encountered, including their avoidance, and the action required if such side effect, adverse effect, interaction, or therapeutic contraindication occurs;
- (6) Techniques for self-monitoring of drug therapy;
- (7) The proper storage of the drug;
- (8) Prescription refill information;

- (9) The action to be take in the event of a missed dose; and
 - (10) ~~The comments of the pharmacist~~ relevant to the patient's drug therapy, including any other information peculiar to the specific patient or drug.
- (c) Additional forms of patient information may be used to supplement verbal patient counseling when appropriate or available.
- (d) Patient counseling, as described in this Code section, shall not be required for:
- (1) In-patients of a hospital or institution where other health care professionals are authorized to administer the drug or drugs;
 - (2) Inmates of corrections institutions where pharmacy services are provided by the Department of Corrections or by a county or municipal political subdivision either directly or by a subcontractor of the above; or
 - (3) Patients receiving drugs from the Department of Human Resources Division of Public Health; provided, however, that pharmacists who provide drugs to patients in accordance with Code Section 43-34-26.1 shall include in all dispensing procedures a written process whereby the patient or the caregiver of the patient is provided with the information required under this Code section.
- (e) A pharmacist shall not be required to counsel a patient or the caregiver of the patient when the patient or the caregiver of the patient refuses such consultation or counseling.

26-4-86.

The board may establish regulations governing the compounding of medication by pharmacists and pharmacies licensed in this state.

26-4-87.

The board shall promulgate rules and regulations governing the appropriate and proper storage and handling of controlled substances and dangerous drugs as defined in Chapter 13 of Title 16 which are consistent with those standards established by the United States Pharmacopeial Convention.

26-4-88.

- (a) No person shall engage in the dispensing of any medicines, drugs, or poisons unless said person is a pharmacist licensed in accordance with this chapter or a pharmacy intern dispensing such items in accordance with this chapter.
- (b) This chapter shall not apply to practitioners of the healing arts prescribing, compounding their own prescriptions, or dispensing drugs or medicines except as provided in Code Section 26-4-130.
- (c) Nothing in this Code section shall prohibit any person from assisting any duly licensed pharmacist or practitioner, provided that such duly licensed pharmacist or practitioner shall be physically present in the prescription area and actually observing the actions of such person performing such tasks; provided, further, that no prescription shall be given to the person requesting the same unless the contents and the label thereof shall have been verified by a licensed pharmacist or practitioner.
- (d) With respect to pharmacy technicians, the following functions require the professional judgment of a pharmacist, or pharmacy intern under the supervision of a pharmacist, and may not be performed by a pharmacy technician:
 - (1) Acceptance of initial oral prescriptions;
 - (2) Certification of a filled or finished prescription or prescription drug order;

- (3) Weighing or measuring active ingredients without a mechanism of verification;
- (4) ~~Reconstitution of prefabricated~~ medication without a mechanism of verification;
- (5) Verification of the constituents of final IV admixtures for accuracy, efficacy, and patient utilization;
- (6) Entry of orders on patient medication profiles without verification by a pharmacist; and
- (7) Provision of drug information that has not been prepared or approved by the pharmacist.

26-4-89.

Any person who shall sells or dispenses drugs by the use of vending machines shall be guilty of a misdemeanor.

26-4-90.

Nothing in this chapter shall be interpreted to prohibit a pharmacist or pharmacy from being remunerated for professional pharmacy care services.

ARTICLE 6

26-4-110.

(a) All facilities engaged in the manufacture, production, sale, or distribution of drugs or devices utilized in the practice of pharmacy or pharmacies where drugs or devices are dispensed or pharmacy care is provided shall be licensed by the board and shall biennially renew their license with the board. Where operations are conducted at more than one location, each such location shall be licensed by the board.

(b) The board may by rule determine the licensure classifications of all persons and facilities licensed as a pharmacy under this article, and establish minimum standards for such persons and facilities.

(c)(1) The board shall establish by rule, under the powers granted to it under Article 2 of this chapter and as may be required from time to time under federal law the criteria which each person must meet to qualify for licensure as a pharmacy in each classification. The board may issue licenses with varying restrictions to such persons where the board deems it necessary.

(2) All applications for a new license shall be accompanied by a fee. Upon the filing of an application for a license, the board may cause a thorough investigation of the applicant to be made, and, if satisfied that the applicant possesses the necessary qualifications and that the pharmacy will be conducted in accordance with law, shall issue a license.

(d) Each pharmacy shall have a pharmacist in charge. Whenever an applicable rule requires or prohibits action by a pharmacy, responsibility shall be that of the owner and the pharmacist in charge of the pharmacy, whether the owner is a sole proprietor, partnership, association, corporation, or otherwise.

(e) The board may enter into agreements with other states or with third parties for the purpose of exchanging information concerning licensure of any pharmacy.

(f) The board may deny or refuse to renew a pharmacy license if it determines that the granting or renewing of such license would not be in the public interest.

(g) It shall be unlawful for any person in connection with any place of business or in any manner to take, use, or exhibit the title 'drug store,' 'pharmacy,' 'apothecary,' or any combination of such titles or any title or designation of like import or other term

to take the place of such title, unless such place of business is licensed as a pharmacy under the provisions of this chapter, has submitted a written request to the board and received a waiver from this subsection, or meets the provisions of any rule or regulation regarding use of such titles and promulgated by the board.

(h) Every pharmacy licensed under this chapter shall have a prescription department which shall be kept clean and free of all materials not currently in use in the practice of compounding or preparing a medication for dispensing. The space behind the prescription counter shall be kept free of obstruction at all times.

(i) During hours of operation, every pharmacy licensed pursuant to this chapter shall have a prescription department under the personal supervision of a duly licensed pharmacist who shall have personal supervision of not more than one pharmacy at the same time, provided that nothing in this chapter shall be construed to prohibit any pharmacist from having personal supervision of a pharmacy located in a hospital, nursing home, college of pharmacy, or a pharmacy owned and operated directly by a health maintenance organization. Every pharmacy licensed under this chapter, except those located within and owned and operated by a duly licensed and accredited hospital, nursing home, or college of pharmacy or a pharmacy complying with subsection (j) of this Code section, shall have a prescription department open for business at all times that the business establishment is open to the public, except that during temporary absences of any licensed pharmacist not to exceed three hours daily or more than one and one-half hours at any one time the prescription department shall be closed and no prescription shall be filled or dispensed.

(j) If a pharmacy is located in a general merchandising establishment, or if the owner of the pharmacy so chooses, a portion of the space of the business establishment may be set aside and permanently enclosed or otherwise secured. Only that permanently enclosed or otherwise secured area shall be subject to the provisions of this chapter and shall be registered as a pharmacy. In such case, the area to be registered as a pharmacy shall be permanently enclosed with a partition built from the floor to the ceiling or otherwise secured in a manner as provided by the board through rules and regulations. Identification of the area by the use of the words 'drug,' 'medicine,' 'drug store,' 'apothecary,' 'pharmacy,' or other such terms shall be restricted to the prescription department area licensed as a pharmacy by the board.

26-4-111.

(a) The board shall specify by rule the pharmacy licensure procedures to be followed, including but not limited to specification of forms for use in applying for such licensure and times, places, and applicable fees.

(b) Applicants for licensure to distribute, manufacture, sell, purchase, or produce drugs or devices within this state shall file with the board a verified application containing such information as the board requires of the applicant relative to the qualifications for a license.

(c) Pharmacy licenses issued by the board pursuant to this chapter shall not be transferable or assignable.

(d) The board shall specify by rule minimum standards for responsibility of any person or pharmacy that has employees or personnel engaged in the practice of pharmacy, manufacture, distribution, production, sale, or use of drugs or devices in the conduct of their business. If the licensed person is a pharmacy located in this state, that portion of the facility to which such license applies shall be operated only under the direct supervision of a pharmacist licensed to practice in this state.

26-4-112.

The board shall be notified immediately upon the occurrence of any of the following:

- (1) Permanent closing of a licensed pharmacy;
- (2) Change of ownership, management, or location of a licensed pharmacy;
- (3) Change of the pharmacist in charge of a licensed pharmacy;
- (4) Any theft or loss of drugs or devices of a licensed pharmacy;
- (5) Any known conviction of any employee of a licensed pharmacy of any state or federal drug laws;
- (6) Disasters, accidents, theft, destruction, or loss of records of a licensed pharmacy required to be maintained by state or federal law;
- (7) Occurrence at a licensed pharmacy of a significant adverse drug reaction as defined by rules of the board; or
- (8) Any and all other matters and occurrences at a licensed pharmacy as the board may require by rule.

26-4-113.

(a) No person shall operate as a pharmacy until a pharmacy license has been issued to such person by the board.

(b) Except where otherwise permitted by law, it shall be unlawful for a manufacturer, wholesale distributor, or a reverse drug distributor to distribute or deliver drugs or devices to or receive drugs or devices from any person or firm in this state not licensed under this chapter. Any person who distributes or delivers drugs or devices to or receives drugs or devices from a person or firm not licensed under this chapter shall be subject to a fine to be imposed by the board for each offense in addition to such other disciplinary action the board may take under this chapter. Each such violation shall also constitute a misdemeanor.

(c) The board may suspend, revoke, deny, or refuse to renew the pharmacy license of, reprimand, issue a letter of concern to, or fine any person licensed under this article on any of the following grounds:

- (1) The finding by the board of violations of any federal or state laws relating to the practice of pharmacy, drug samples, wholesale or retail drug or device distribution, or distribution of controlled substances;
- (2) Any felony convictions under federal or state laws;
- (3) The furnishing of false or fraudulent material in any application made in connection with drug or device manufacturing or distribution;
- (4) Suspension or revocation by the federal or state government of any license currently or previously held by the applicant for the manufacture or distribution of any drugs or devices including controlled substances;
- (5) Obtaining any remuneration by fraud, misrepresentation, or deception;
- (6) Dealing with drugs or devices that are known or should have been known to be stolen drugs or devices;
- (7) Purchasing or receiving of a drug or device from a source other than a person or pharmacy licensed under the laws of the state except where otherwise provided;
- (8) Wholesale drug distributors, other than pharmacies, dispensing or distributing drugs or devices directly to patients; or

(9) Violations of any of the provisions of this chapter or of any of the rules adopted by the board under this chapter.

(d) Reinstatement of a pharmacy license that has been suspended, revoked, or restricted by the board may be granted in accordance with the rules of the board.

26-4-114.

(a) A pharmacy located within and owned and operated by a school or college of pharmacy in this state may apply to the board for a special pharmacy permit which shall entitle the holder thereof to purchase, receive, possess, or dispose of drugs for educational or research purposes. The application shall include the name of a registered pharmacist who shall be responsible for maintaining accurate records regarding the purchase, receipt, possession, and disposal of drugs utilized for educational or research purposes. If the board certifies that the application complies with applicable laws and rules and regulations, the board shall issue the permit.

(b) A holder of a special pharmacy permit under subsection (a) of this Code section shall not engage in the sale or dispensing of drugs.

(c) The board shall have the authority to promulgate rules and regulations governing the holder of a special pharmacy permit under this Code section and may exempt the holder thereof from requirements otherwise applicable to other pharmacies.

26-4-115.

(a) All persons, firms, or corporations, whether located in this state or in any other state, engaged in the business of selling or distributing drugs at wholesale in this state, in the business of supplying drugs to manufacturers, compounders, and processors in this state, or in the business of a reverse drug distributor shall biennially register with the board as a drug wholesaler, distributor, reverse drug distributor, or supplier. The application for registration shall be made on a form to be prescribed and furnished by said board and shall show each place of business of the applicant for registration, together with such other information as may be required by the board. The application shall be accompanied by a fee in an amount established by the board for each place of business registered by the applicant. Such registration shall not be transferable and shall expire on the expiration date established by the joint-secretary. Registration shall be renewed pursuant to the rules and regulations of the board and a renewal fee prescribed by the board shall be required. If not renewed, the registration shall lapse and become null and void. Registrants shall be subject to such rules and regulations with respect to sanitation or equipment as the board may, from time to time, adopt for the protection of the public health and safety. Such registration may be suspended or revoked or the registrant may be reprimanded, fined, or placed on probation by the board if the registrant fails to comply with any law of this state, the United States, or any other state having to do with the control of pharmacists, pharmacies, wholesale distribution, or reverse drug distribution of controlled substances or dangerous drugs as defined in Chapter 13 of Title 16; if the registrant fails to comply with any rule or regulation promulgated by the board; or if any registration or license issued to the registrant under the federal act is suspended or revoked.

(b) Every drug wholesaler, distributor, or supplier registered as provided in Chapter 13 of Title 16 or in subsection (a) of this Code section, except reverse drug distributors, shall:

(1) Submit reports, upon request from the Georgia Drugs and Narcotics Agency, to account for all transactions with licensed persons or firms located within this state;

such reportable transactions shall include all dangerous drugs and controlled substances as defined in Chapter 13 of Title 16. Such reports shall be submitted to the Georgia Drugs and Narcotics Agency; and

(2) Automatically submit reports of any excessive purchases of controlled substances by licensed persons or firms located within this state using the federal Drug Enforcement Administration guidelines to define 'excessive purchases' as set forth under the provisions of 21 C.F.R. Sec. 1301. Such reports shall be submitted to the Georgia Drugs and Narcotics Agency.

(c) The board shall be authorized to promulgate rules and regulations to facilitate compliance with this Code section.

(d) The provisions of subsection (b) of this Code section shall not apply to any wholesaler, manufacturer, distributor, or supplier who only ships controlled substances directly to a licensed wholesaler within this state.

(e) Any person, firm, or corporation which violates any provision of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than five years or by a fine not to exceed \$25,000.00, or both.

(f) Any practitioner who knowingly transfers any controlled substance or dangerous drug as such terms are defined in Chapter 13 of Title 16 by purchasing from or returning to a person, firm, or corporation which is not registered as required in subsection (a) of this Code section or as required in Chapter 13 of Title 16 shall be guilty of a felony and, upon conviction thereof, shall be punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed \$10,000.00, or both.

26-4-116.

(a) Dangerous drugs and controlled substances as defined under Chapter 13 of Title 16 shall only be issued to the medical director of an emergency service provider from a pharmacy licensed in this state only in accordance with the provisions of this Code section.

(b) The medical director of an emergency service provider and the issuing pharmacy must have a signed contract or agreement designating the issuing pharmacy as the provider of drugs and consultant services and a copy must be filed with the state board and the Department of Human Resources prior to any drugs being issued. The medical director of an emergency service provider may only have one contractual relationship with one pharmacy per county serviced by such emergency service provider.

(c) A manual of policies and procedures for the handling, storage, labeling, and record keeping of all drugs must be written, approved, and signed by the medical director of an emergency service provider and the pharmacist in charge of the issuing pharmacy. The manual shall contain procedures for the safe and effective use of drugs from acquisition to final disposition.

(d) A written record of all drugs issued to the medical director of an emergency service provider must be maintained by the issuing pharmacy and emergency service provider. Agents of the Drugs and Narcotics Agency may review all records to determine the accuracy and proper accountability for the use of all drugs.

(e) To provide for the proper control and accountability of drugs, a written record of all drugs used by such emergency service provider shall be provided to the issuing pharmacy within 72 hours of use.

(f) A pharmacist from the contracting issuing pharmacy shall physically inspect the drugs of such emergency service provider to determine compliance with appropriate policies and procedures for the handling, storage, labeling, and record keeping of all drugs not less than annually and maintain records of such inspection for a period of not less than two years. Such an inspection shall, at a minimum, verify that:

- (1) Drugs are properly stored, especially those requiring special storage conditions;
- (2) Drugs are properly accounted for by personnel of such emergency service provider;
- (3) Proper security measures to prohibit unauthorized access to the drugs are implemented; and
- (4) All policies and procedures are followed and enforced.

(g) All outdated, expired, unused, or unusable drugs shall be returned to the issuing pharmacy for proper disposition in a manner acceptable to the board.

26-4-117.

(a) It shall be the duty of the prosecuting attorney of the court of competent jurisdiction to whom the board or some other person shall report a violation of this chapter to cause appropriate proceedings to be commenced and prosecuted for the enforcement of the penalties as in such case may be provided.

(b) The board, or any person, corporation, or association, in addition to the remedies set forth in this chapter, may bring an action in a court having competent jurisdiction over the parties and subject matter to enjoin violations of this chapter. Such injunction may issue notwithstanding the existence of an adequate remedy at law.

ARTICLE 7

26-4-130.

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

- (1) 'Drugs' means drugs as defined in this chapter and controlled substances as defined in Article 2 of Chapter 13 of Title 16.
- (2) 'Practitioner' or 'practitioner of the healing arts' means, notwithstanding Code Section 26-4-5, a person licensed as a dentist, physician, podiatrist, or veterinarian under Chapter 11, 34, 35, or 50, respectively, of Title 43.

(b) The other provisions of this chapter and Article 3 of Chapter 13 of Title 16 shall not apply to practitioners of the healing arts prescribing or compounding their own prescriptions and dispensing drugs except as provided in this Code section. Nor shall such provisions prohibit the administration of drugs by a practitioner of the healing arts or any person under the supervision of such practitioner or by the direction of such practitioner except as provided in this Code section. Any term used in this subsection and defined in Code Section 43-34-26.1 shall have the meaning provided for such term in Code Section 43-34-26.1. The other provisions of this chapter and Articles 2 and 3 of Chapter 13 of Title 16 shall not apply to persons authorized by Code Section 43-34-26.1 to order, dispense, or administer drugs when such persons order, dispense, or administer those drugs in conformity with Code Section 43-34-26.1. When a person dispenses drugs pursuant to the authority delegated to that person under the provisions of Code Section 43-34-26.1, with regard to the drugs so dispensed, that person shall comply with the requirements placed upon practitioners by subsections (c) and (d) of this Code section.

(c) All practitioners who dispense drugs shall comply with all record-keeping, labeling, packaging, and storage requirements imposed upon pharmacists and pharmacies with regard to such drugs pursuant to this chapter and Chapter 13 of Title 16.

(d) All practitioners who dispense drugs shall make all records required to be kept under subsection (c) of this Code section available for inspection by the board.

(e) Any practitioner who desires to dispense drugs shall notify, at the time of the renewal of that practitioner's license to practice, that practitioner's respective examining board of that practitioner's intention to dispense drugs. That examining board shall notify the board regarding each practitioner concerning whom that board has received a notification of intention to dispense drugs. The examining board's notification shall include the following information:

- (1) The name and address of the practitioner;
- (2) The state professional license number of the practitioner;
- (3) The practitioner's Drug Enforcement Administration license number; and
- (4) The name and address of the office or facility from which such drugs shall be dispensed and the address where all records pertaining to such drugs shall be maintained.

(f) The board shall have the authority to promulgate rules and regulations governing the dispensing of drugs pursuant to this Code section.

(g) This Code section shall not apply to practitioners who provide to their patients at no cost manufacturer's samples of drugs.

26-4-131.

The examination of specimens of foods, drugs, and cosmetics shall be made by the state chemist or under direction of that chemist and supervision for the purpose of determining from such examination whether such articles are adulterated or misbranded within the meaning of this title; and, in the case of drugs and cosmetics, if it shall appear from any such examination that any such specimens are adulterated or misbranded within the meaning of this title, a copy of the results of the analysis of the examination of such article, duly authenticated by the analyst or officer making such examination under the oath of such analyst or officer, shall be forwarded to the board without delay. If it shall appear to the satisfaction of the board and the Attorney General, in the case of adulterated or misbranded drugs, that the article involved was shipped in interstate commerce or the act complained of comes under the supervision and jurisdiction of the United States, the board shall certify the case to the United States district attorney in whose district the violation may have been committed.

ARTICLE 8

26-4-140.

This article shall be known and may be cited as the 'Third-party Prescription Program Law of 1983.'

26-4-141.

The General Assembly finds that certain practices are unfair to providers of pharmaceuticals, are burdensome and costly to those providers, result in unfair increased costs to certain consumers, and threaten the availability of pharmaceuticals to the public. The General Assembly further finds that there is a need for regulation of certain practices engaged in by some third-party prescription program administrators.

26-4-142.

As used in this article, the term:

- (1) 'Administrator' means that person, corporation, or business entity which administers a program, is legally liable for any payments to a participating pharmacy under a program, or both.
- (2) 'Commissioner' means the Commissioner of Insurance.
- (3) 'Contract' means a program contract.
- (4) 'Enrollee' means a consumer who receives pharmaceuticals under a program.
- (5) 'Participating pharmacy' means a pharmacy having a contract to provide pharmaceuticals to enrollees under a program.
- (6) 'Pharmaceuticals' means drugs, devices, or services available from a pharmacy.
- (7) 'Prevailing rate' means the average wholesale price of the pharmaceutical during the applicable period, plus the usual, customary, and reasonable dispensing fee added thereto, provided that in no event shall the amount submitted for reimbursement by a pharmacy under this article exceed the eighty-fifth percentile of the retail prices charged by all pharmacies in Georgia for the same or similar pharmaceuticals during such period of time or the actual price charged by the submitting pharmacy to consumers, other than enrollees, for the same or similar pharmaceuticals during such period of time, whichever is less.
- (8) 'Program' means a third-party prescription program.
- (9) 'Program contract' means that contract creating rights and obligations between a participating pharmacy and a program or administrator.
- (10) 'Program identification card' means a document which identifies enrollees as participants in a program.
- (11) 'Third-party prescription program' means any system of providing payments or reimbursement of payments made for pharmaceuticals pursuant to a contract between a pharmacy and another party, including insurance companies and administrators of programs, who are not consumers of the pharmaceuticals under that contract and shall include, without being limited to, insurance plans whereby an enrollee receives pharmaceuticals which are paid for by insurance companies or administrators, or by an agent of his employer, or by others.

26-4-143.

(a) Unless the program is exempt under subsection (b) of this Code section, no administrator, person, corporation, or business entity shall offer, operate, or administer a program in this state unless that program has been submitted to the Commissioner, in a manner provided by the Commissioner, and is approved by the Commissioner as complying with the requirements of this article.

(b)(1) A program contract existing immediately prior to January 1, 1984, shall be exempt from the requirements of this article but shall not be renewed or otherwise extended beyond its renewal or expiration date, respectively, as specified immediately prior to January 1, 1984, unless the program under the renewed or extended contract is approved by the Commissioner under subsection (a) of this Code section, except that if no such expiration or renewal date is provided in that program contract, the program contract shall be submitted not later than March 1, 1984, to the Commissioner for approval.

(2) A program providing pharmaceuticals pursuant to Article 7 of Chapter 4 of Title 49, the 'Georgia Medical Assistance Act of 1977,' shall be exempt from the requirements of this article.

(3) A policy or plan regulated under Title 33, relating to insurance, which does not include or utilize a third-party prescription program or contract shall be exempt from the requirements of this article.

(c) A program approved by the Commissioner may have that approval revoked or suspended if it fails to meet any requirements therefor specified in this article or if it fails to be administered in conformity with those requirements.

(d) Disapproval or revocation or suspension of approval of a program by the Commissioner shall constitute a contested case for purposes of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

26-4-144.

(a) A program offered in this state and not exempt under subsection (b) of Code Section 26-4-143 shall provide all of the following:

(1) A statement of the method, frequency, and amount of claim reimbursement to participating pharmacies;

(2) That any valid claim for pharmaceuticals under this program will be paid to a participating pharmacy within 30 days after the claim is received by the administrator if that claim is complete, accurate, and legible, as determined by the administrator;

(3) That any valid claim not paid as required in paragraph (2) of this Code section shall be subject to interest at the rate specified in paragraph (1) of subsection (b) of Code Section 33-25-10, relating to payment of interest on life insurance proceeds;

(4) That reimbursement rates for pharmaceuticals shall not be less than the prevailing rates therefor paid by consumers who are not enrollees;

(5) That each participating pharmacy and enrollee will be notified in writing by the administrator of the cancellation of any program at least 30 days prior to the effective date of cancellation, except that where the administrator is not notified of such cancellation at least 30 days prior to the effective date of cancellation, the written notice shall be provided within 30 days after the administrator received his notification;

(6) That program identification cards issued to an enrollee show an expiration date;

(7) That the administrator shall make reasonable efforts to gain possession of all program identification cards upon cancellation of a program for which the cards were issued;

(8) That a valid claim by a participating pharmacy will not be denied upon the basis of the fraudulent use of a program identification card;

(9) That at least 30 days prior to the date a program becomes effective, the program contract therefor shall be offered to all pharmacies located within those counties wherein reside enrollees in that program, which pharmacies shall have at least 30 days from the time they receive the offer to accept that offer and become participating pharmacies;

(10) That any audit by a program to verify claims by a participating pharmacy shall comply with generally accepted accounting principles and procedures but shall not extrapolate randomly sampled data as a basis for reimbursement from the phar-

macy which is audited or from one participating pharmacy to be the corresponding data for another participating pharmacy. In the event a claim against a participating pharmacy for reimbursement is based upon a program audit, the administrator of the program shall submit details of the audit to that participating pharmacy, and any dispute relating thereto shall be resolved under the dispute resolution procedures required under paragraph (11) of this subsection, with the Commissioner to render a final binding decision in the dispute if either party is dissatisfied with the outcome under the dispute resolution procedure; and

(11) A dispute resolution procedure for disputes between the program or administrator and participating pharmacies and between the program or administrator and enrollees.

(b) A program which meets the requirements of subsection (a) of this Code section shall not be administered except in conformity with those requirements, and the administration of that program except in conformity with those requirements shall constitute a violation of this Code section by the administrator of that program.

26-4-145.

A participating pharmacy shall not submit claims for payment for pharmaceuticals under a program for charges in excess of those charged by that pharmacy to consumers, other than enrollees, for the same or similar pharmaceuticals.

26-4-146.

(a) On and after January 1, 1984, no person, corporation, or business entity shall serve as administrator of a program which has no administrator registered under this Code section unless that person, corporation, or business entity is registered as administrator of that program with the Commissioner.

(b) No administrator may be registered unless the administrator gives bond to the Commissioner conditioned to pay all losses, damages, and expenses incurred as a result of any violation of this article by the administrator or the program being administered thereby. The bond shall be with a surety approved by the Commissioner in the amount of \$200,000.00 or the total annual payments made in the immediately preceding year by all programs administered by that administrator, whichever is greater; provided, however, if the administrator is an insurance company licensed to transact insurance in this state or if the administrator is a self-insurer and is approved by the Commissioner, then such administrator shall not be required to give bond to the Commissioner.

(c) No program shall be required to have more than one administrator registered and bonded under this Code section.

(d) An administrator may have his registration suspended or revoked by the Commissioner upon any violation of this article by the administrator or when any program administered by the administrator fails to conform to the requirements of this article. The refusal by the Commissioner to register an administrator and the suspension or revocation of an administrator's registration shall constitute a contested case for purposes of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(e) Records, information, and other identifying matter obtained through the submission of a claim for reimbursement by a participating pharmacy shall be used exclusively and solely for the purposes of verification and payment to the participating pharmacy and policyholder and for no other purposes.

26-4-147.

No enrollee may utilize a program identification card to obtain pharmaceuticals after the program has been canceled and after the enrollee has received notification of the cancellation, and if such card is so utilized, that enrollee shall be liable to the administrator of that program for the cost of those pharmaceuticals.

26-4-148.

(a) Any person, corporation, or business entity which violates subsection (a) of Code Section 26-4-146 shall be guilty of a misdemeanor.

(b) Any person, corporation, or business entity which violates any provision of this article shall be subject to a civil penalty in the amount of \$1,000.00 for each act in violation of this article or, if the violation was knowing and willful, a civil penalty of \$5,000.00 for each act in violation of this article.

(c) Any person injured as a result of a violation of this article may bring an action against that person, corporation, or business entity violating this article for the recovery of all actual damages occurring as a result thereof, plus attorneys' fees.

(d) An action may be brought against any person, corporation, or business entity subject to civil penalties or an action for damages under this Code section in the county in this state in which the person resides or corporation or business entity maintains an office or, if neither residing nor maintaining an office in this state, in the Superior Court of Fulton County.

(e) All penalties and remedies provided in this Code section are cumulative of each other and of any other penalties and remedies otherwise provided by law.

ARTICLE 9

26-4-160.

No person shall furnish by retail sale any poison enumerated in this Code section without distinctly labeling the bottle, box, vessel, or paper in which the poison is contained, and also the outside wrapper or cover thereof, with the name of the article, the word 'Poison,' and the name and place of business of the person who furnishes the same; and no poison shall be furnished unless upon due inquiry it shall be found that the person to whom it is delivered is aware of its poisonous character and shall represent that it is to be used for a legitimate purpose:

(1) Schedule 'A.' Arsenic and its preparations, corrosive sublimate, white precipitate, red precipitate, biniiodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and all other poisonous vegetable alkaloids and their salts; essential oil of bitter almonds, opium and its preparations, except paregoric and other preparations of opium containing less than two grains to the ounce; and

(2) Schedule 'B.' Aconite, belladonna, colchicum, conium, nux vomica, henbane, creosote, digitalis, and their pharmaceutical preparations; croton oil, chloroform, chloral hydrate, sulfate of zinc, mineral acids, carbolic acid, and oxalic acid.

26-4-161.

No licensed pharmacist shall sell or deliver any of the poisons included in paragraph (1) of Code Section 26-4-160 without first making an entry in a book for that purpose, stating the date of the delivery, the name and address of the person receiving the poison, the name and quantity of the poison, the purpose for which it is represented by such person to be required, and the name of the dispenser. Such book shall always

be open for inspection by the proper authorities and shall be preserved for reference for at least five years.

26-4-162.

This article shall not apply to the dispensing of poisons in not unusual quantities or doses, upon the prescriptions of practitioners of the healing arts.

26-4-163.

Any person violating this article shall be guilty of a misdemeanor."

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

Senator Madden of the 47th moved that the Senate adopt the Conference Committee report on HB 330.

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

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	EX	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	EX	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
EX	Gochenour	Y	Perdue		

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 330.

The Calendar was resumed.

HB 1222. By Representatives Martin of the 47th, Murphy of the 18th, Irvin of the 45th and others:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and construction of hospitals and other health care facilities, so as to change an exception to provisions for payments for medical education to certain hospital authorities and designated teaching hospitals.

Senate Sponsor: Senator Henson of the 55th.

The report of the committee, which was favorable to the passage of the bill, was agreed to. www.libtool.com.cn

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	EX	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	EX	Marable	Y	Turner
Gillis	Y	Middleton	Y	Tysinger
Glanton	Y	Oliver	Y	Walker
EX Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 49, nays 0.

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

Senator Thompson of the 33rd gave notice that at the proper time, he would move that the Senate reconsider its action on HB 1222.

Senator Griffin of the 25th introduced the doctor of the day, Dr. Linda Arnold, Gray, Georgia.

The Calendar was resumed.

SB 425. By Senators Dean of the 31st, Oliver of the 42nd and Marable of the 52nd:

A bill to amend Part 4A of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to enhanced criminal penalties for any person who wears or has in his or her possession a bulletproof vest during the commission or the attempted commission of an armed robbery; to make such additional penalties mandatory.

The Senate Judiciary Committee offered the following substitute to SB 425:

A BILL

To be entitled an Act to amend Part 4A of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to enhanced criminal penalties, so as to provide for enhanced criminal penalties for any person who wears or has in his or her possession body armor or similar such equipment which is designed or intended to prevent or retard penetration by a bullet or other projectile while such person is committing or attempting to commit the offense of murder, voluntary manslaughter, aggravated assault, aggravated battery, carjacking, armed robbery, or any offense under the "Georgia Street Gang Terrorism and Prevention Act"; to make such additional penalties

mandatory; to provide that a crime committed in violation of this Act shall be considered a separate offense; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4A of Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to enhanced criminal penalties, is amended by adding between Code Sections 16-11-160 and 16-11-161 a new Code Section 16-11-160.1 to read as follows:

“16-11-160.1.

(a) It shall be unlawful for any person to wear or have in his or her possession body armor or similar such equipment which is designed or intended to prevent or retard penetration by a bullet or other projectile while such person is committing or attempting to commit any of the following offenses:

- (1) Murder, as defined in Code Section 16-5-1;
- (2) Voluntary manslaughter, as defined in Code Section 16-5-2;
- (3) Aggravated assault, as defined in Code Section 16-5-21;
- (4) Aggravated battery, as defined in Code Section 16-5-24;
- (5) Hijacking a motor vehicle, as defined in Code Section 16-5-44.1;
- (6) Armed robbery, as defined in Code Section 16-8-41; or
- (7) A violation of Chapter 15 of this title, known as the ‘Georgia Street Gang Terrorism and Prevention Act.’

(b) Except as otherwise provided in subsection (c) of this Code section, any person who violates subsection (a) of this Code section shall be guilty of a felony and, upon conviction thereof, shall be punished by confinement for a period of ten years, such sentence to run consecutively to any other sentence which the person has received.

(c) Upon the second or subsequent conviction of a person under this Code section, the person shall be punished by confinement for a period of 20 years, such sentence to run consecutively to any other sentence which the person has received.

(d) Any crime committed in violation of this Code section shall be considered a separate offense.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Burton	Y	Gillis
Y	Balfour	Y	Cagle		Glantou
Y	Blitch	Y	Cheeks	EX	Gochenour
Y	Boshears	Y	Clay	Y	Griffin
Y	Bowen	Y	Crotts	Y	Guhl
Y	Broun, 46th	Y	Dean	Y	Harbison
Y	Brown, 26th	Y	Egan	Y	Henson
Y	Brush	Y	Fort	EX	Hill

Y Hooks	Y Middleton	Y Stokes
Y Huggins	Y Oliver	Y Streat
Y James	Y Perdue	Y Tanksley
Y Johnson,D	Price,R	Taylor
Y Johnson,E	Y Price,T	Y Thomas,D
Y Kemp	Y Ragan	Y Thomas,N
Y Lamutt	Y Ralston	Y Thompson
Y Land	Y Ray	Y Turner
Y Langford	Y Roberts	Y Tysinger
Y Madden	Y Scott	Y Walker
EX Marable	Y Starr	

On the passage of the bill, the yeas were 49, nays 0.

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

SB 500. By Senators Streat of the 19th, Ragan of the 11th, Middleton of the 50th and others:

A bill to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to provide for the licensing of the retail sale of fresh or frozen seafood, meat, or poultry from a mobile vehicle; to provide for definitions; to provide for licenses and the issuance and revocation thereof.

Senator Streat of the 19th moved that SB 500 be placed on the Table.

On the motion, the yeas were 39, nays 0; the motion prevailed, and SB 500 was placed on the Table.

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:06 P.M., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Thursday, February 12, 1998
Nineteenth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1595. By Representatives Buck of the 135th, Culbreth of the 132nd, Smith of the 102nd and others:

A bill to amend an Act establishing the Municipal Court of Columbus, so as to change fees and costs and the provisions relating thereto.

HB 1392. By Representative Murphy of the 18th:

A bill to amend Code Section 16-8-14 of the Official Code of Georgia Annotated, relating to the crime of shoplifting, so as to change the threshold value of the property which is the subject of the theft for purposes of defining when the crime is a misdemeanor and when the crime is a felony.

HB 1226. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were effective December 31, 1997, and Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were amended by an Act approved April 2, 1996.

HB 1227. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct typographical, stylistic, and other errors and omissions in Title 47 of the Official Code of Georgia Annotated, and in Acts of the General Assembly amending Title 47 of the Official Code of Georgia Annotated.

HB 1228. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend the Official Code of Georgia Annotated, so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the Official Code of Georgia Annotated and in Acts of the General Assembly amending the Official Code of Georgia Annotated.

HB 1229. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

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A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to correct typographical, stylistic, and other errors and omissions in Title 21 of the Official Code of Georgia Annotated, and in Acts of the General Assembly amending Title 21 of the Official Code of Georgia Annotated.

HB 1288. By Representatives Hecht of the 97th, Martin of the 47th, Lee of the 94th and others:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings and parental rights, so as to provide for appointment of counsel or a court appointed special advocate as guardian ad litem for a minor in deprivation cases.

SB 564. By Senator Brush of the 24th:

A bill to provide a new charter for the City of Grovetown; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 856. By Representatives James of the 140th, Reaves of the 178th, Sims of the 167th and others:

A resolution urging the Congress of the United States, the Secretary of Agriculture, and the Federal Crop Insurance Corporation to revise comprehensively the existing laws, regulations, and policies with respect to the Federal Crop Insurance Program in order to adequately protect farmers against unavoidable crop losses and to prevent the serious reduction in farm operations and farm acreage throughout the nation.

HR 998. By Representatives Irvin of the 45th, Walker of the 141st, Evans of the 28th and others:

A resolution creating the Commission on the 250th Anniversary of a Representative Assembly in Georgia.

HR 825. By Representative Powell of the 23rd:

A resolution authorizing the conveyance of certain state owned real property located in Franklin County.

The House has adopted the report of the Committee of Conference on the following bill of the House:

HB 330. By Representatives Parham of the 122nd, Graves of the 125th, Parrish of the 144th and others:

A bill to amend Title 26 of the Official Code of Georgia Annotated, relating to food, drugs, and cosmetics, so as to revise the laws relating to pharmacists and pharmacies.

The following bills were introduced, read the first time and referred to committees:

SB 616. By Senators Cheeks of the 23rd, Bowen of the 13th and Streat of the 19th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to keeping of records of applications for drivers' licenses and information on licensees and furnishing of such information; to change certain provisions.

Referred to Committee on Public Safety.

SB 617. By Senators Ralston of the 51st, Land of the 16th and Price of the 28th:

A bill to amend Article 1 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to ethics in government, so as to regulate political contributions and expenditures by persons, firms, corporations, and labor organizations and separate segregated funds thereof; to amend Title 34 of the Official Code of Georgia Annotated, relating to labor and industrial relations, so as to regulate deductions from employees' earnings of contributions to persons, firms, corporations, and labor organizations or separate segregated funds thereof to be used for political purposes.

Referred to Committee on Ethics.

SB 618. By Senators Ralston of the 51st, Land of the 16th, Crofts of the 17th and Guhl of the 45th:

A bill to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedure for sentencing and imposition of punishment, so as to provide that any person sentenced for a crime involving the knowing injury or death of a law enforcement officer, firefighter, or emergency medical technician acting in the line of official duty committed on or after the effective date of this Act shall not be eligible for any form of parole or early release.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 619. By Senators Johnson of the 1st and Kemp of the 3rd:

A bill to provide a homestead exemption from certain Bryan County school district ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead of certain residents of that school district; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal.

Referred to Committee on State and Local Governmental Operations.

SB 620. By Senators Stokes of the 43rd, Walker of the 22nd and Oliver of the 42nd:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance, so as to change certain provisions relating to coverage of treatment of mental disorders; to provide for available coverage of treatment of mental disorders under certain small group policies; to provide for available coverage of treatment of mental disorders under certain large group policies.

Referred to Committee on Consumer Affairs.

SB 621. By Senators Stokes of the 43rd and Walker of the 22nd:

A bill to amend Part 4 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, relating to false advertising, so as to provide for certain requirements relating to advertisement of rental rates for motor vehicles by rental companies; to provide a penalty; to provide an effective date.

Referred to Committee on Consumer Affairs.

SB 622. By Senators Kemp of the 3rd and Bowen of the 13th:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for furnishing personal information contained in motor vehicle registration records for bulk distribution for surveys or marketing; to provide for furnishing personal information contained in motor vehicle certificate of title records for bulk distribution for surveys or marketing; to provide for rules and regulations.

Referred to Committee on Consumer Affairs.

SB 623. By Senator Oliver of the 42nd:

A bill to amend Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice, so as to provide for mandatory review of appeals from judgments or orders granting or denying awards of attorney's fees or expenses of litigation for frivolous actions and defenses under Code Section 9-15-14; to amend Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, so as to provide when attorney's fees and expenses may be requested in claims by a party that the claims against such party are subject to dismissal pursuant to Code Section 9-11-11.1.

Referred to Committee on Judiciary.

SB 624. By Senators Abernathy of the 38th, Stokes of the 43rd and Thomas of the 10th:

A bill to amend Part 5 of Article 9 of Title 11 of the Official Code of Georgia Annotated, relating to default in a secured transaction, so as to provide that a motor vehicle may not be repossessed until the debtor is at least two months in arrears in payments under the security agreement.

Referred to Committee on Banking and Financial Institutions.

The following bills were read the first time and referred to committees:

HB 1226. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were effective December 31, 1997, and Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were amended by an Act approved April 2, 1996.

Referred to Committee on Special Judiciary.

HB 1227. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct typographical, stylistic, and other errors and omissions in Title 47 of the Official Code of Georgia Annotated, and in Acts of the General Assembly amending Title 47 of the Official Code of Georgia Annotated.

Referred to Committee on Special Judiciary.

HB 1228. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend the Official Code of Georgia Annotated, so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the Official Code of Georgia Annotated and in Acts of the General Assembly amending the Official Code of Georgia Annotated.

Referred to Committee on Special Judiciary.

HB 1229. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to correct typographical, stylistic, and other errors and omissions in Title 21 of the Official Code of Georgia Annotated, and in Acts of the General Assembly amending Title 21 of the Official Code of Georgia Annotated.

Referred to Committee on Special Judiciary.

HB 1288. By Representatives Hecht of the 97th, Martin of the 47th, Lee of the 94th and others:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings and parental rights, so as to provide for appointment of counsel or a court appointed special advocate as guardian ad litem for a minor in deprivation cases.

Referred to Committee on Judiciary.

HB 1392. By Representative Murphy of the 18th:

A bill to amend Code Section 16-8-14 of the Official Code of Georgia Annotated, relating to the crime of shoplifting, so as to change the threshold value of the property which is the subject of the theft for purposes of defining when the crime is a misdemeanor and when the crime is a felony.

Referred to Committee on Judiciary.

HB 1595. By Representatives Buck of the 135th, Culbreth of the 132nd, Smith of the 102nd and others:

A bill to amend an Act establishing the Municipal Court of Columbus, so as to change fees and costs and the provisions relating thereto.

Referred to Committee on State and Local Governmental Operations.

HR 825. By Representative Powell of the 23rd:

A resolution authorizing the conveyance of certain state owned real property located in Franklin County.

Referred to Committee on Finance and Public Utilities.

HR 856. By Representatives James of the 140th, Reaves of the 178th, Stancil of the 16th and others:

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A resolution urging the Congress of the United States, the Secretary of Agriculture, and the Federal Crop Insurance Corporation to revise comprehensively the existing laws, regulations, and policies with respect to the Federal Crop Insurance Program in order to adequately protect farmers against unavoidable crop losses and to prevent the serious reduction in farm operations and farm acreage throughout the nation.

Referred to Committee on Agriculture.

HR 998. By Representatives Irvin of the 45th, Walker of the 141st, Evans of the 28th and others:

A resolution creating the Commission on the 250th Anniversary of a Representative Assembly in Georgia.

Referred to Committee on Rules.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Economic Development, Tourism and Cultural Affairs has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1419. Do pass.

Respectfully submitted,

Senator Broun of the 46th District, Chairman

Mr. President:

The Committee on Education has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 445. Do pass by substitute.

SB 565. Do pass as amended.

SB 535. Do pass by substitute.

Respectfully submitted,

Senator Marable of the 52nd District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 477. Do pass by substitute.

HB 1307. Do pass.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 440. Do pass by substitute.

HB 1199. Do pass.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President: www.libtool.com.cn

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 573. Do pass as amended.	HB 1468. Do pass.
SB 593. Do pass.	HB 1543. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolutions were read the second time:

SB 128	SB 407	SB 428	SB 526	SB 544	SB 545
SB 558	SB 566	SB 572	SB 594	SB 595	HB 338
HB 464	HB 571	HB 1081	HB 1096	HB 1156	HB 1164
HB 1165	HB 1189	HB 1211	HB 1353	HR 741	HR 813

Senator Walker of the 22nd moved that Senator Thomas of the 10th be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Thomas was excused.

Senator Johnson of the 1st moved that Senator Hill of the 4th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Hill was excused.

Senator Price of the 56th moved that Senator Gochenour of the 27th be excused. On the motion, the yeas were 34, nays 0; the motion prevailed, and Senator Gochenour was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Blicht	Guhl	Price,R
Boshears	Harbison	Price,T
Bowen	Henson	Ragan
Broun, 46th	Hooks	Ralston
Brown, 26th	Huggins	Ray
Brush	James	Starr
Burton	Johnson,D	Stokes
Cagle	Johnson,E	Streat
Cheeks	Kemp	Tanksley
Crotts	Lamutt	Taylor
Dean	Land	Thomas,D
Fort	Langford	Thompson
Gillis	Madden	Turner
Glantton	Marable	Tysinger
Griffin	Middleton	Walker

Those not answering were:

Abernathy	Gochenour (excused)	Roberts
Balfour	Hill (excused)	Scott
Clay	Oliver	Thomas,N (excused)
Egan	Perdue(PRS)	

Senator Brown of the 26th led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Brown of the 26th introduced the chaplain of the day, Reverend Ronald Terry of New Fellowship Baptist Church, Macon, Georgia, who offered scripture reading and prayer. www.libtool.com.ch

The following resolutions were read and adopted:

SR 619. By Senator Crotts of the 17th:

A resolution recognizing and commending Allison Presley.

SR 622. By Senator Broun of the 46th:

A resolution recognizing Chief Robert L. "Chuck" Kelley.

SR 623. By Senator Bowen of the 13th:

A resolution recognizing and commending Miss Marci Dwozan, 1998 Georgia Watermelon Queen.

SR 624. By Senator Bowen of the 13th:

A resolution congratulating Mrs. Mary Etta Arkansas Gunn Salter on the event of her 100th birthday.

SR 625. By Senator Bowen of the 13th:

A resolution recognizing the Cordele-Crisp County Fish Fry and commending Mr. Don Tucker, Ms. Angie Ellis, Mr. J. R. Dowdy, Mr. H. H. Dimery, and Ms. Ovis Stephens.

SR 626. By Senator Price of the 56th:

A resolution recognizing and commending Lauren McBrayer.

Senator Broun of the 46th introduced University of Georgia Football Coach Jim Donnan and his staff, commended by SR 610, adopted previously. Coach Donnan addressed the Senate briefly.

The following local, uncontested bills of the House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Thursday, February 12, 1998

NINETEENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1468 Madden, 47th
CITY OF DANIELSVILLE

A bill to provide a new charter for the City of Danielsville.

HB 1543 Langford, 29th
CITY OF LAGRANGE

A bill to amend an Act creating the Downtown LaGrange Development Authority, so as to provide for the appointment of members of the authority and their terms of office.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Bowen	EX	Hill	Y	Ray
Y Broun, 46th	Y	Hooks		Roberts
Y Brown, 26th		Huggins		Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D		Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks		Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land		Thomas,D
Y Dean		Langford	EX	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton		Oliver	Y	Walker
EX Gochenour		Perdue(PRS)		

On the passage of the local bills, the yeas were 41, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

The President assumed the Chair.

Senator Tysinger of the 41st introduced Georgia Tech Football Coach George O'Leary and his staff, commended by SR 609, adopted previously.

Senator Thomas of the 54th introduced the doctor of the day, Dr. William McDaniel, of Dalton, Georgia.

NOTICE OF MOTION TO RECONSIDER:

HB 1222 Hospital authorities; certain certified audits; remove requirement (H&HS-50th) Martin-47th

SENATE RULES CALENDAR

Thursday, February 12, 1998

NINETEENTH LEGISLATIVE DAY

HB 1166	Supplemental appropriations; FY 1997-98; millennium computer compliance (Approp-14th) Murphy-18th
HB 1167	Supplemental appropriations; FY 1997-98 (Substitute)(Approp-14th) Murphy-18th
SB 431	Breast Cancer Patient Care Act-provide (Substitute)(H&HS-52nd)
HB 1349	Retail installment contract; prepayment; acquisition cost (C Aff-55th) Floyd-138th

SB 432 Minimum Wage-amount, incremental adjustments (I&L-25th)

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Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

HB 1166. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill to provide supplementary appropriations for the state fiscal year ending June 30, 1998, in addition to any other appropriation heretofore or hereafter made for the operation of state government and the purposes provided for herein.

Senate Sponsor: Senator Hooks of the 14th.

Senator Glanton of the 34th offered the following amendment:

Amend HB 1166 by striking on lines 16 and 25 of page 1 the figure "\$152,176,753" and inserting in lieu thereof the figure "\$252,176,753"

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N	Abernathy		Griffin		Y	Price,R
N	Balfour	N	Guhl		Y	Price,T
	Blitch	N	Harbison		N	Ragan
N	Boshears	N	Henson		N	Ralston
N	Bowen	EX	Hill		N	Ray
	Broun, 46th	N	Hooks		Y	Roberts
N	Brown, 26th	N	Huggins		N	Scott
N	Brush	N	James		N	Starr
N	Burton	N	Johnson,D		N	Stokes
N	Cagle	N	Johnson,E			Streat
N	Cheeks	N	Kemp		Y	Tanksley
Y	Clay	N	Lamutt		N	Taylor
N	Crotts	N	Land		N	Thomas,D
N	Dean	N	Langford		EX	Thomas,N
Y	Egan	N	Madden		N	Thompson
N	Fort	N	Marable		N	Turner
N	Gillis	N	Middleton		N	Tysinger
Y	Glanton	N	Oliver		N	Walker
EX	Gochenour	N	Perdue			

On the adoption of the amendment, the yeas were 7, nays 42, and the Glanton amendment was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Boshears	Y	Brown, 26th
Y	Balfour	Y	Bowen	Y	Brush
	Blitch		Broun, 46th	Y	Burton

Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
Y Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Y Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Y Fort	Y Land	Y Streat
Y Gillis	Y Langford	Y Tanksley
Y Glanton	Y Madden	Y Taylor
EX Gochenour	Y Marable	Y Thomas,D
Y Griffin	Y Middleton	EX Thomas,N
Y Guhl	Y Oliver	Y Thompson
Y Harbison	Y Perdue	Y Turner
Y Henson	Y Price,R	Y Tysinger
Y Hill	Y Price,T	Y Walker
Y Hooks	Y Ragan	

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

Senate Sponsor: Senator Hooks of the 14th.

THE SENATE COMMITTEE ON APPROPRIATIONS OFFERED THE FOLLOWING
SUBSTITUTE TO H.B. 1167:

A BILL

TO BE ENTITLED AN ACT to amend an Act providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", approved April 24, 1997 (Ga. L. 1997, p. 1101), so as to change certain appropriations for the State Fiscal Year 1997-1998; to make language and other changes; to reallocate certain funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1.

An Act providing appropriations for the State Fiscal Year 1997-1998, as amended, known as the "General Appropriations Act" approved April 24, 1997 (Ga. L. 1997, p. 1101), is further amended by striking everything following the enacting clause through Section 61, and by substituting in lieu thereof the following:

"That the sums of money hereinafter provided are appropriated for the State Fiscal Year beginning July 1, 1997, and ending June 30, 1998, as prescribed hereinafter for such fiscal year, from funds from the Federal Government and the General Funds of the State, including unappropriated surplus, reserves and a revenue estimate of \$11,118,625,000(excluding indigent trust fund receipts and lottery receipts) for State Fiscal Year 1998.

PART I.

LEGISLATIVE BRANCH

Section 1. General Assembly.

Budget Unit: General Assembly	\$	27,168,900
Personal Services Staff	\$	14,406,206
Personal Services Elected Officials	\$	3,978,935
Regular Operating Expenses	\$	2,607,235
Travel Staff	\$	100,000
Travel Elected Officials	\$	7,000
Capital Outlay	\$	0
Per Diem Differential	\$	519,200
Equipment	\$	260,000
Computer Charges	\$	763,000
Real Estate Rentals	\$	5,000
Telecommunications	\$	650,500
Per Diem, Fees and Contracts Staff	\$	130,230
Per Diem, Fees and Contracts Elected Officials	\$	2,503,794
Photography	\$	105,000
Expense Reimbursement Account	\$	1,132,800
Total Funds Budgeted	\$	27,168,900
State Funds Budgeted	\$	27,168,900

Senate Functional Budgets

		<u>Total Funds</u>		<u>State Funds</u>
Senate and Research Office	\$	4,398,770	\$	4,398,770
Lt. Governor's Office	\$	740,357	\$	740,357
Secretary of the Senate's Office	\$	1,196,674	\$	1,196,674
Total	\$	6,335,801	\$	6,335,801

House Functional Budgets

		<u>Total Funds</u>		<u>State Funds</u>
House of Representatives and Research Office	\$	10,737,419	\$	10,737,419
Speaker of the House's Office	\$	579,469	\$	579,469
Clerk of the House's Office	\$	1,471,096	\$	1,471,096
Total	\$	12,787,984	\$	12,787,984

Joint Functional Budgets

		<u>Total Funds</u>		<u>State Funds</u>
Legislative Counsel's Office	\$	2,908,271	\$	2,908,271
Legislative Fiscal Office	\$	2,075,165	\$	2,075,165
Legislative Budget Office	\$	994,253	\$	994,253
Ancillary Activities	\$	1,671,664	\$	1,671,664
Budgetary Responsibility Oversight Committee	\$	395,762	\$	395,762
Total	\$	8,045,115	\$	8,045,115

For compensation, expenses, mileage, allowances, travel and benefits for members, officials, committees and employees of the General Assembly and each House thereof; for operating the offices of Lieutenant Governor and Speaker of the House of Representatives; for membership in the Council of State Governments, the National Conference of

State Legislatures and the National Conference of Insurance Legislators and other legislative organizations, upon approval of the Legislative Services Committee; for membership in the Marine Fisheries Compact and other compacts, upon approval of the Legislative Services Committee; for the maintenance, repair, construction, reconstruction, furnishing and refurbishing of space and other facilities for the Legislative Branch; provided, however, before the Legislative Services Committee authorizes the reconstruction or renovation of legislative office space, committee rooms, or staff support service areas in any State-owned building other than the State Capitol, the committee shall measure the need for said space as compared to space requirements for full-time state agencies and departments and shall, prior to approval of renovation or reconstruction of legislative office space, consider the most efficient and functional building designs used for office space and related activities; for the Legislative Services Committee, the Office of Legislative Counsel, the Office of Legislative Budget Analyst and for the Legislative Fiscal Office; for compiling, publishing and distributing the Acts of the General Assembly and the Journals of the Senate and the House of Representatives; for Code Revision; for equipment, supplies, furnishings, repairs, printing, services and other expenses of the Legislative Branch of Government; and for payments to Presidential Electors. The provisions of any other law to the contrary notwithstanding, such payments to Presidential Electors shall be paid from funds provided for the Legislative Branch of Government, and the payment and receipt of such allowances shall not be in violation of any law.

The Legislative Services Committee shall seek to determine ways to effect economies in the expenditure of funds appropriated to the Legislative Branch of Government. The Committee is hereby authorized to promulgate rules and regulations relative to the expenditure of funds appropriated to the Legislative Branch which may include that no such funds may be expended without prior approval of the Committee. The Committee shall also make a detailed study of all items and programs for which payments are made from funds appropriated to the Legislative Branch of Government with a view towards determining which are legitimate legislative expenses and which should be paid from other appropriations.

Section 2. Department of Audits.

Budget Unit: Department of Audits	\$	20,214,774
Personal Services	\$	17,079,652
Regular Operating Expenses	\$	659,390
Travel	\$	575,000
Motor Vehicle Purchases	\$	118,374
Equipment	\$	15,000
Real Estate Rentals	\$	908,710
Per Diem, Fees and Contracts	\$	43,000
Computer Charges	\$	636,110
Telecommunications	\$	179,538
Total Funds Budgeted	\$	20,214,774
State Funds Budgeted	\$	20,214,774

PART II

JUDICIAL BRANCH

Section 3. Judicial Branch.

Budget Unit: Judicial Branch	\$	91,375,360
Personal Services	\$	12,819,251
Other Operating	\$	75,294,404

Prosecuting Attorney's Council	\$	2,505,947
Judicial Administrative Districts	\$	1,624,344
Payment to Council of Superior Court Clerks	\$	38,000
Payment to Resource Center	\$	300,000
Computerized Information Network	\$	700,000
Total Funds Budgeted	\$	93,281,946
State Funds Budgeted	\$	91,375,360
Judicial Branch Functional Budgets		

		<u>Total Funds</u>		<u>State Funds</u>
Supreme Court	\$	6,879,503	\$	6,229,503
Court of Appeals	\$	8,045,875	\$	7,995,875
Superior Court Judges	\$	35,701,730	\$	35,627,730
Superior Court District Attorneys	\$	30,917,900	\$	29,864,584
Juvenile Court	\$	1,209,812	\$	1,209,812
Institute of Continuing Judicial Education	\$	783,635	\$	783,635
Judicial Council	\$	2,739,590	\$	2,660,320
Judicial Qualifications Commission	\$	166,364	\$	166,364
Indigent Defense Council	\$	4,284,487	\$	4,284,487
Georgia Courts Automation Commission	\$	2,294,186	\$	2,294,186
Georgia Office Of Dispute Resolution	\$	258,864	\$	258,864
Total	\$	93,281,946	\$	91,375,360

Section 4. Department of Administrative Services.

A. Budget Unit: Department of Administrative Services	\$	48,649,307
Personal Services	\$	52,274,607
Regular Operating Expenses	\$	14,772,359
Travel	\$	500,371
Motor Vehicle Purchases	\$	812,834
Equipment	\$	2,301,544
Computer Charges	\$	13,975,611
Real Estate Rentals	\$	3,567,350
Telecommunications	\$	3,852,727
Per Diem, Fees and Contracts	\$	3,544,715
Rents and Maintenance Expense	\$	11,129,891
Utilities	\$	0
Payments to DOAS Fiscal Administration	\$	2,974,797
Direct Payments to Georgia Building Authority for Capital Outlay	\$	4,336,637
Direct Payments to Georgia Building Authority for Operations	\$	566,806
Telephone Billings	\$	60,913,800
Radio Billings	\$	1,154,406
Materials for Resale	\$	20,039,840

Public Safety Officers Indemnity	\$	700,000
Fund		
Health Planning Review Board Operations	\$	85,000
Payments to Aviation Hall of Fame	\$	48,500
Payments to Golf Hall of Fame	\$	85,000
Total Funds Budgeted	\$	197,636,795
State Funds Budgeted	\$	48,649,307

Departmental Functional Budgets

		<u>Total Funds</u>		<u>State Funds</u>
Administration	\$	14,651,997	\$	7,539,671
Statewide Business Services	\$	9,832,273	\$	4,448,172
General Support Services	\$	31,659,290	\$	0
Information Technology	\$	135,265,763	\$	32,437,569
State Properties Commission	\$	667,364	\$	667,364
Office of the Treasury	\$	1,524,951	\$	192,372
State Office of Administrative Hearings	\$	4,035,157	\$	3,364,159
Total	\$	197,636,795	\$	48,649,307

B. Budget Unit: Georgia Building Authority

Personal Services	\$	23,054,408
Regular Operating Expenses	\$	13,560,189
Travel	\$	12,000
Motor Vehicle Purchases	\$	200,000
Equipment	\$	196,800
Computer Charges	\$	110,100
Real Estate Rentals	\$	15,071
Telecommunications	\$	228,970
Per Diem, Fees and Contracts	\$	405,000
Capital Outlay	\$	4,336,637
Utilities	\$	0
Contractual Expense	\$	0
Facilities Renovations and Repairs	\$	0
Total Funds Budgeted	\$	42,119,175
State Funds Budgeted	\$	0

Departmental Functional Budgets

		<u>Total Funds</u>		<u>State Funds</u>
Grounds	\$	1,452,327	\$	0
Custodial	\$	5,507,049	\$	0
Maintenance	\$	4,297,686	\$	0
Security	\$	7,229,140	\$	0
Van Pool	\$	381,939	\$	0
Sales	\$	4,234,456	\$	0
Administration	\$	17,942,298	\$	0
Roofing	\$	370,657	\$	0
Facilities Program	\$	703,623	\$	0
Total	\$	42,119,175	\$	0

Section 5. Department of Agriculture.

A. Budget Unit: Department of Agriculture	\$	37,982,853
Personal Services	\$	32,369,566
Regular Operating Expenses	\$	4,449,644
Travel	\$	959,745
Motor Vehicle Purchases	\$	302,000
Equipment	\$	448,115
Computer Charges	\$	670,430
Real Estate Rentals	\$	814,475
Telecommunications	\$	412,585
Per Diem, Fees and Contracts	\$	951,396
Market Bulletin Postage	\$	1,046,000
Payments to Athens and Tifton Veterinary Laboratories	\$	3,093,546
Poultry Veterinary Diagnostic Laboratories in anton, Dalton, Douglas, Oakwood, Statesboro, Carroll, Macon, Mitchell, and Monroe	\$	2,911,440
Veterinary Fees	\$	275,000
Indemnities	\$	60,000
Advertising Contract	\$	175,000
Payments to Georgia Agrirama Development Authority for Operations	\$	735,704
Payments to Georgia Development Authority	\$	0
Renovation, Construction, Repairs and Maintenance Projects at Major and Minor Markets	\$	0
Capital Outlay	\$	0
Contract Federation of Southern Cooperatives	\$	40,000
Boll Weevil Eradication Program	\$	0
Total Funds Budgeted	\$	49,714,646
State Funds Budgeted	\$	37,982,853
Departmental Functional Budgets		

	<u>Total Funds</u>	<u>State Funds</u>
Plant Industry	\$ 8,179,810	\$ 7,398,810
Animal Industry	\$ 16,194,493	\$ 13,062,358
Marketing	\$ 6,393,875	\$ 2,718,875
Internal Administration	\$ 6,599,695	\$ 6,412,195
Fuel and Measures	\$ 3,671,579	\$ 3,541,879
Consumer Protection Field Forces	\$ 8,092,956	\$ 4,848,736
Seed Technology	\$ 582,238	\$ 0
Total	\$ 49,714,646	\$ 37,982,853

B. Budget Unit: Georgia Agrirama Development Authority		
Personal Services	\$	0
Regular Operating Expenses	\$	938,623
Travel	\$	201,667
	\$	4,000

Motor Vehicle Purchases	\$	0
Equipment	\$	5,560
Computer Charges	\$	7,500
Real Estate Rentals	\$	0
Telecommunications	\$	7,500
Per Diem, Fees and Contracts	\$	44,500
Capital Outlay	\$	178,867
Goods for Resale	\$	120,000
Total Funds Budgeted	\$	1,508,217
State Funds Budgeted	\$	0

Section 6. Department of Banking
and Finance.

Budget Unit: Department of Banking and Finance	\$	9,523,070
Personal Services	\$	7,838,930
Regular Operating Expenses	\$	437,094
Travel	\$	400,000
Motor Vehicle Purchases	\$	112,380
Equipment	\$	7,464
Computer Charges	\$	277,112
Real Estate Rentals	\$	364,290
Telecommunications	\$	73,000
Per Diem, Fees and Contracts	\$	12,800
Total Funds Budgeted	\$	9,523,070
State Funds Budgeted	\$	9,523,070

Section 7. Department of Community
Affairs.

Budget Unit: Department of Commu- nity Affairs	\$	44,416,764
Personal Services	\$	6,260,169
Regular Operating Expenses	\$	335,591
Travel	\$	175,696
Motor Vehicle Purchases	\$	0
Equipment	\$	1,368
Real Estate Rentals	\$	488,430
Per Diem, Fees and Contracts	\$	247,564
Computer Charges	\$	132,424
Telecommunications	\$	82,110
Contracts for Regional Planning and Development	\$	2,063,100
Local Assistance Grants	\$	17,283,689
Appalachian Regional Commission As- sessment	\$	133,355
Community Development Block Grants Federal	\$	30,000,000
Payment to Georgia Environmental Facilities Authority	\$	2,434,250
Payment to Georgia Housing and Fi- nance Authority	\$	2,814,244

Local Development Fund		\$	650,000
Payments to Music Hall of Fame Authority		\$	1,113,812
Payment to State Housing Trust Fund		\$	4,531,250
Payments to Sports Hall of Fame		\$	937,868
Regional Economic Business Assistance Grants		\$	5,500,000
Local Government Efficiency Grant Program		\$	0
State Commission on National and Community Service		\$	308,272
EZ/EC Administration		\$	199,024
Regional Assistance Program		\$	1,250,000
Total Funds Budgeted		\$	76,942,216
State Funds Budgeted		\$	44,416,764
Departmental Functional Budgets			
			<u>Total Funds</u>
Executive Division	\$	1,727,464	\$
Planning Information and Management Division	\$	6,155,239	\$
Business and Financial Assistance Division	\$	39,076,556	\$
Housing Finance Division	\$	0	\$
Administrative Division	\$	29,982,957	\$
Rental Assistance Division	\$	0	\$
Total	\$	76,942,216	\$
			<u>State Funds</u>
			1,727,464
			5,980,711
			8,002,999
			0
			28,705,590
			0
			44,416,764

Section 8. Department of Corrections.

A. Budget Unit: Administration, Institutions

and Probation		\$	700,029,028
Personal Services		\$	497,484,504
Regular Operating Expenses		\$	60,038,119
Travel		\$	2,237,021
Motor Vehicle Purchases		\$	1,280,920
Equipment		\$	3,533,387
Computer Charges		\$	5,777,354
Real Estate Rentals		\$	6,002,776
Telecommunications		\$	6,837,979
Per Diem, Fees and Contracts		\$	6,521,239
Capital Outlay		\$	0
Utilities		\$	22,365,907
Court Costs		\$	1,200,000
County Subsidy		\$	16,777,319
County Subsidy for Jails		\$	9,532,184
County Workcamp Construction		\$	0
Grants			
Central Repair Fund		\$	1,093,624
Payments to Central State Hospital for Meals		\$	4,059,700

Total Funds Budgeted	\$	18,838,214
State Funds Budgeted	\$	4,989,144
Departmental Functional Budgets		

		Total Funds	State Funds
Office of the Adjutant General	\$	1,613,393	\$ 1,412,701
Georgia Air National Guard	\$	5,553,809	\$ 602,799
Georgia Army National Guard	\$	11,671,012	\$ 2,973,644
Total	\$	18,838,214	\$ 4,989,144

Section 10. State Board of EducationDepartment of Education.

A. Budget Unit: Department of Education	\$	4,507,206,637
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Operations:

Personal Services	\$	35,653,456
Regular Operating Expenses	\$	6,801,474
Travel	\$	1,066,510
Motor Vehicle Purchases	\$	39,279
Equipment	\$	108,465
Computer Charges	\$	8,825,662
Real Estate Rentals	\$	1,362,627
Telecommunications	\$	1,248,850
Per Diem, Fees and Contracts	\$	24,017,762
Utilities	\$	793,952
Capital Outlay	\$	0

QBE Formula Grants:

Kindergarten/Grades 1 3	\$	1,087,229,681
Grades 4 8	\$	921,117,189
Grades 9 12	\$	376,283,741
High School Laboratories	\$	187,374,816
Vocational Education Laboratories	\$	122,022,070
Special Education	\$	438,067,665
Gifted	\$	69,771,250
Remedial Education	\$	99,733,473
Staff Development and Professional Development	\$	35,394,416

Media	\$	114,193,981
Indirect Cost	\$	728,100,389
Pupil Transportation	\$	144,838,830
Local Fair Share	\$	(668,034,272)
Mid-Term Adjustment Reserve	\$	78,577,895
Teacher Salary Schedule Adjustment	\$	0

Other Categorical Grants:

Equalization Formula	\$	168,134,386
Sparsity Grants	\$	3,717,891
In School Suspension	\$	27,736,019
Special Instructional Assistance	\$	104,583,661
Middle School Incentive	\$	87,109,283
Special Education Low Incidence Grants	\$	563,759

Limited English-Speaking Students Program	\$	18,078,796
Non-QBE Grants:		
Education of Children of Low-Income Families	\$	164,747,346
Retirement (H.B. 272 and H.B. 1321)	\$	5,408,750
Instructional Services for the Handicapped	\$	73,012,113
Tuition for the Multi-Handicapped Severely Emotionally Disturbed	\$	2,210,804
School Lunch (Federal)	\$	45,900,747
School Lunch (State)	\$	188,375,722
Supervision and Assessment of Students and Beginning Teachers and Performance-Based Certification	\$	32,038,845
Regional Education Service Agencies	\$	1,491,147
Georgia Learning Resources System	\$	10,389,180
High School Program	\$	3,568,830
Special Education in State Institutions	\$	24,974,476
Governor's Scholarships	\$	3,644,659
Counselors	\$	4,600,000
Vocational Research and Curriculum Even Start	\$	11,524,998
State and Local Education Improvement	\$	301,207
PSAT Exams	\$	2,720,906
Accounting, Management and Student Information System	\$	4,552,565
Student Record	\$	756,500
Child Care Lunch Program (Federal)	\$	11,321,870
Chapter II Block Grant Flow Through	\$	922,356
Payment of Federal Funds to Board of Technical and Adult Education	\$	29,829,742
Education of Homeless Children/Youth	\$	9,663,513
Innovative Programs	\$	16,901,918
Next Generation School Grants	\$	601,772
Drug Free School (Federal)	\$	1,690,215
At Risk Summer School Program	\$	500,000
Emergency Immigrant Education Program	\$	11,625,943
Title II Math/Science Grant (Federal)	\$	4,632,785
Robert C. Byrd Scholarship (Federal)	\$	1,227,493
Health Insurance Non-Cert. Personnel and Retired	\$	5,042,895
	\$	273,723

Section 11. Employees' RetirementSystem.

Budget Unit: Employees' Retirement System	\$	0
Personal Services	\$	2,124,047
Regular Operating Expenses	\$	260,600
Travel	\$	18,000
Motor Vehicle Purchases	\$	0
Equipment	\$	65,105
Computer Charges	\$	654,663
Real Estate Rentals	\$	322,438
Telecommunications	\$	63,315
Per Diem, Fees and Contracts	\$	1,331,650
Benefits to Retirees	\$	0
Total Funds Budgeted	\$	4,839,818
State Funds Budgeted	\$	0

Section 12. Forestry Commission.

Budget Unit: Forestry Commission	\$	34,986,218
Personal Services	\$	29,108,768
Regular Operating Expenses	\$	5,636,892
Travel	\$	161,926
Motor Vehicle Purchases	\$	668,913
Equipment	\$	1,598,518
Computer Charges	\$	323,000
Real Estate Rentals	\$	21,420
Telecommunications	\$	925,319
Per Diem, Fees and Contracts	\$	1,161,403
Ware County Grant	\$	0
Ware County Grant for Southern Forest World	\$	28,500
Ware County Grant for Road Maintenance	\$	60,000
Capital Outlay	\$	241,752
Total Funds Budgeted	\$	39,936,411
State Funds Budgeted	\$	34,986,218

Departmental Functional Budgets

		<u>Total Funds</u>		<u>State Funds</u>
Reforestation	\$	1,859,526	\$	25,710
Field Services	\$	33,896,376	\$	30,948,154
General Administration and Support	\$	4,180,509	\$	4,012,354
Total	\$	39,936,411	\$	34,986,218

Section 13. Georgia Bureau of Investigation.

Budget Unit: Georgia Bureau of Investigation	\$	48,334,166
Personal Services	\$	37,206,120
Regular Operating Expenses	\$	4,488,436
Travel	\$	478,225
Motor Vehicle Purchases	\$	294,000
Equipment	\$	630,490

Office of Planning and Budget	\$	8,125,886	\$	8,125,886
Council for the Arts	\$	5,105,637	\$	4,502,137
Office of Consumer Affairs	\$	3,317,635	\$	3,216,635
Georgia Information Technology Policy Council	\$	711,123	\$	711,123
Criminal Justice Coordinating Council	\$	1,250,197	\$	310,878
Children and Youth Coordinating Council	\$	2,253,846	\$	554,846
Human Relations Commission	\$	311,207	\$	311,207
Professional Standards Commission	\$	4,041,774	\$	4,041,774
Georgia Emergency Management Agency	\$	4,983,374	\$	1,148,252
Governor's Commission for the Privatization of Government Services	\$	163,040	\$	163,040
Total	\$	37,957,904	\$	30,616,017

Section 15. Department of Human Resources.

A. Budget Unit: Departmental Operations \$ 1,162,356,727

1. General Administration and Support Budget:

Personal Services	\$	60,049,842
Regular Operating Expenses	\$	2,433,191
Travel	\$	1,522,191
Motor Vehicle Purchases	\$	1,573,678
Equipment	\$	106,130
Real Estate Rentals	\$	4,778,651
Per Diem, Fees and Contracts	\$	7,068,171
Computer Charges	\$	7,115,683
Telecommunications	\$	867,947
Special Purpose Contracts	\$	309,000
Service Benefits for Children	\$	46,486,389
Purchase of Service Contracts	\$	45,491,515
Institutional Repairs and Maintenance	\$	89,214
Postage	\$	923,452
Payments to DMA-Community Care	\$	18,199,615
Grants to County DFACS Operations	\$	927,901
Total Funds Budgeted	\$	197,942,570
Indirect DOAS Services Funding	\$	412,600
State Funds Budgeted	\$	116,701,261

		<u>Total Funds</u>		<u>State Funds</u>
Commissioner's Office	\$	1,037,742	\$	1,037,742
Office of Planning and Budget Services	\$	4,057,233	\$	4,057,233
Office of Adoption	\$	1,191,996	\$	1,168,246
Children's Community Based Initiative	\$	5,508,295	\$	5,133,295
Troubled Children's Placements	\$	46,486,389	\$	33,335,726
Technology and Support	\$	34,883,964	\$	21,240,810

Facilities Management	\$	5,509,616	\$	4,255,620
Regulatory Services Program Direction and Support	\$	576,110	\$	566,110
Child Care Licensing	\$	2,877,638	\$	2,752,638
Health Care Facilities Regulation	\$	10,290,048	\$	4,587,256
Fraud and Abuse	\$	6,435,216	\$	2,317,156
Financial Services	\$	8,470,765	\$	6,645,750
Auditing Services	\$	1,888,006	\$	1,888,006
Personnel Administration	\$	3,492,190	\$	3,492,190
Indirect Cost	\$	0	\$	(9,965,749)
Policy and Government Services	\$	1,179,800	\$	1,179,800
Aging Services	\$	60,596,067	\$	31,236,126
State Health Planning Agency	\$	1,804,142	\$	1,724,142
DD Council	\$	1,657,353	\$	49,164
Total	\$	197,942,570	\$	116,701,261

2. Public Health Budget:

Personal Services			\$	48,755,563
Regular Operating Expenses			\$	74,476,798
Travel			\$	802,414
Motor Vehicle Purchases			\$	0
Equipment			\$	195,367
Real Estate Rentals			\$	1,413,650
Per Diem, Fees and Contracts			\$	4,313,697
Computer Charges			\$	1,682,597
Telecommunications			\$	1,218,661
Special Purpose Contracts			\$	280,732
Purchase of Service Contracts			\$	15,023,765
Grant-In-Aid to Counties			\$	132,073,686
Institutional Repairs and Maintenance			\$	34,500
Postage			\$	106,097
Medical Benefits			\$	4,580,555
Total Funds Budgeted			\$	284,958,082
Indirect DOAS Services Funding			\$	549,718
State Funds Budgeted			\$	154,895,867
Departmental Functional Budgets				

		Total Funds		State Funds
District Health Administration	\$	12,801,257	\$	12,671,582
Newborn Follow-Up Care	\$	1,375,269	\$	1,160,438
Oral Health	\$	1,573,141	\$	1,250,966
Stroke and Heart Attack Prevention	\$	2,292,312	\$	1,179,700
Sickle Cell, Vision and Hearing	\$	4,342,592	\$	3,568,773
High-Risk Pregnant Women and Infants	\$	5,246,146	\$	5,134,146
Sexually Transmitted Diseases	\$	2,494,184	\$	494,026
Family Planning	\$	10,881,359	\$	5,854,042
Women, Infants and Children Nutrition	\$	83,435,710	\$	0
Grant in Aid to Counties	\$	68,422,827	\$	67,292,789
Children's Medical Services	\$	13,258,839	\$	6,482,532

Emergency Health	\$	3,256,364	\$	1,907,651
Primary Health Care	\$	1,467,688	\$	1,364,601
Epidemiology	\$	697,961	\$	442,425
Immunization	\$	1,043,235	\$	0
Community Tuberculosis Control	\$	6,165,832	\$	4,717,392
Family Health Management	\$	863,506	\$	685,576
Infant and Child Health	\$	1,190,809	\$	710,584
Maternal Health Perinatal	\$	2,523,376	\$	1,080,501
Chronic Disease	\$	376,294	\$	376,294
Diabetes	\$	569,046	\$	569,046
Cancer Control	\$	4,974,431	\$	4,974,431
Director's Office	\$	1,328,484	\$	1,074,293
Injury Control	\$	357,718	\$	206,580
Health Program Management	\$	263,191	\$	263,191
Vital Records	\$	2,025,699	\$	1,779,342
Health Services Research	\$	2,736,633	\$	2,513,815
Environmental Health	\$	1,400,306	\$	888,433
Laboratory Services	\$	6,358,148	\$	6,088,148
Community Health Management	\$	278,580	\$	278,580
AIDS	\$	9,458,842	\$	5,248,958
Vaccines	\$	7,843,045	\$	0
Drug and Clinic Supplies	\$	3,286,750	\$	2,530,130
Adolescent Health	\$	7,167,155	\$	2,743,551
Public Health Planning Councils	\$	177,138	\$	159,641
Early Intervention	\$	13,024,215	\$	10,739,428
Public Health Division Indirect Cost	\$	0	\$	(1,535,718)
Total	\$	284,958,082	\$	154,895,867
3. Rehabilitation Services Budget:				
Personal Services			\$	80,070,234
Regular Operating Expenses			\$	11,635,180
Travel			\$	1,402,054
Motor Vehicle Purchases			\$	50,582
Equipment			\$	751,574
Real Estate Rentals			\$	4,117,555
Per Diem, Fees and Contracts			\$	7,855,273
Computer Charges			\$	2,990,069
Telecommunications			\$	2,043,183
Case Services			\$	29,330,191
Special Purpose Contracts			\$	730,245
Purchase of Services Contracts			\$	11,556,562
Institutional Repairs and Maintenance			\$	255,000
Utilities			\$	859,650
Postage			\$	823,675
Total Funds Budgeted			\$	154,471,027
Indirect DOAS Services Funding			\$	100,000
State Funds Budgeted			\$	24,012,698
Departmental Functional Budgets				
Vocational Rehabilitation Services	\$	<u>61,115,620</u>	\$	<u>12,024,237</u>

Independent Living	\$	763,949	\$	328,969
Employment Services	\$	566,005	\$	566,005
Community Facilities	\$	10,140,272	\$	3,585,422
Program Direction and Support	\$	4,081,230	\$	1,237,275
Grants Management	\$	694,540	\$	694,540
Disability Adjudication	\$	38,737,780	\$	0
Georgia Factory for Blind	\$	12,600,070	\$	867,699
Roosevelt Warm Springs Institute	\$	25,771,561	\$	4,708,551
Total	\$	154,471,027	\$	24,012,698

4. Family and Children Services

Budget:

Personal Services			\$	46,034,209
Regular Operating Expenses			\$	4,654,700
Travel			\$	1,139,360
Motor Vehicle Purchases			\$	0
Equipment			\$	383,289
Real Estate Rentals			\$	3,722,619
Per Diem, Fees and Contracts			\$	23,986,982
Computer Charges			\$	29,594,569
Telecommunications			\$	10,099,417
Children's Trust Fund			\$	3,286,607
Cash Benefits			\$	306,399,952
Special Purpose Contracts			\$	6,579,933
Service Benefits for Children			\$	233,807,247
Purchase of Service Contracts			\$	27,366,239
Postage			\$	2,774,054
Grants to County DFACS Operations			\$	312,772,138
Total Funds Budgeted			\$	1,012,601,315
Indirect DOAS Services Funding			\$	2,565,582
State Funds Budgeted			\$	357,315,947
Departmental Functional Budgets				

		<u>Total Funds</u>		<u>State Funds</u>
Director's Office	\$	513,508	\$	513,508
Social Services	\$	3,623,110	\$	3,125,801
Administrative Support	\$	3,284,424	\$	3,024,181
Quality Assurance	\$	3,927,362	\$	3,927,362
Community Services	\$	10,824,372	\$	543,999
Field Management	\$	1,076,242	\$	1,076,242
Human Resources Management	\$	2,704,799	\$	1,699,008
Public Assistance	\$	30,788,253	\$	13,048,816
Employment Services	\$	1,475,648	\$	1,475,648
Child Support Recovery	\$	70,691,121	\$	11,335,403
Temporary Assistance for Needy Families	\$	296,109,390	\$	68,100,070
SSI Supplemental Benefits	\$	1,122,012	\$	1,122,012
Refugee Programs	\$	2,799,420	\$	0
Energy Benefits	\$	7,223,130	\$	0
County DFACS Operations Eligibility	\$	117,561,676	\$	58,036,963

County DFACS Operations Social Services	\$	96,752,523	\$	36,560,073
Food Stamp Issuance	\$	3,190,752	\$	0
County DFACS Operations Home-makers Services	\$	8,333,523	\$	2,269,294
County DFACS Operations Joint and Administration	\$	68,137,925	\$	33,752,572
County DFACS Operations Em-ployability Program	\$	21,986,491	\$	8,203,841
Employability Benefits	\$	40,557,515	\$	16,161,742
Legal Services	\$	4,290,503	\$	2,520,990
Family Foster Care	\$	31,595,512	\$	20,022,962
Institutional Foster Care	\$	9,900,790	\$	7,289,407
Specialized Foster Care	\$	5,146,142	\$	4,298,815
Adoption Supplement	\$	17,361,167	\$	13,279,408
Prevention of Foster Care	\$	11,544,785	\$	9,718,081
Day Care	\$	133,320,622	\$	38,486,937
Special Projects	\$	3,471,991	\$	3,407,759
Children's Trust Fund	\$	3,286,607	\$	3,286,607
Indirect Cost	\$	0	\$	(8,971,554)
Total	\$	1,012,601,315	\$	357,315,947
5. Community Mental Health/Mental Retardation and Institutions:				
Personal Services			\$	329,892,657
Operating Expenses			\$	57,247,113
Motor Vehicle Equipment Purchases			\$	200,000
Utilities			\$	11,532,133
Major Maintenance and Construction			\$	2,127,790
Community Services			\$	302,252,286
Total Funds Budgeted			\$	703,251,979
Indirect DOAS Services Funding			\$	2,404,100
State Funds Budgeted			\$	509,430,954
Departmental Functional Budgets				
		<u>Total Funds</u>		<u>State Funds</u>
Southwestern State Hospital	\$	40,137,188	\$	24,993,159
Brook Run	\$	24,432,255	\$	7,594,141
Georgia Mental Health Institute	\$	23,366,723	\$	21,448,921
Georgia Regional Hospital at Augusta	\$	18,512,863	\$	16,625,971
Northwest Regional Hospital at Rome	\$	25,479,493	\$	18,414,834
Georgia Regional Hospital at Atlanta	\$	29,806,305	\$	25,124,023
Central State Hospital	\$	123,988,361	\$	81,561,732
Georgia Regional Hospital at Savannah	\$	18,835,886	\$	17,154,565
Gracewood State School and Hospital	\$	53,299,515	\$	23,487,815
West Central Regional Hospital	\$	19,658,931	\$	16,872,692
Outdoor Therapeutic Programs	\$	4,054,089	\$	3,145,154
Metro Drug Abuse Centers	\$	1,001,456	\$	940,302
Community Mental Health Services	\$	151,806,959	\$	145,875,828
Community Mental Retardation Services	\$	92,985,734	\$	61,813,255

Community Substance Abuse Services	\$	60,650,585	\$	33,552,905
State Administration	\$	10,222,668	\$	6,336,746
Regional Administration	\$	5,012,968	\$	4,488,911
Total	\$	703,251,979	\$	509,430,954

Budget Unit Object Classes:

Personal Services	\$	564,802,505
Regular Operating Expenses	\$	93,199,869
Travel	\$	4,866,019
Motor Vehicle Purchases	\$	1,824,260
Equipment	\$	1,436,360
Real Estate Rentals	\$	14,032,475
Per Diem, Fees and Contracts	\$	43,224,123
Computer Charges	\$	41,382,918
Telecommunications	\$	14,229,208
Operating Expenses	\$	57,247,113
Major Maintenance and Construction	\$	2,127,790
Community Services	\$	302,252,286
Case Services	\$	29,330,191
Children's Trust Fund	\$	3,286,607
Cash Benefits	\$	306,399,952
Special Purpose Contracts	\$	7,899,910
Service Benefits for Children	\$	280,293,636
Purchase of Service Contracts	\$	99,438,081
Grant-In-Aid to Counties	\$	132,073,686
Institutional Repairs and Maintenance	\$	378,714
Utilities	\$	12,391,783
Postage	\$	4,627,278
Payments to DMA-Community Care	\$	18,199,615
Grants to County DFACS Operations	\$	313,700,039
Medical Benefits	\$	4,580,555

Section 16. Department of Industry,
Trade and
Tourism.

Budget Unit: Department of Industry,
Trade and

Tourism	\$	20,384,594
Personal Services	\$	10,139,980
Regular Operating Expenses	\$	1,578,726
Travel	\$	387,465
Motor Vehicle Purchases	\$	16,200
Equipment	\$	64,757
Computer Charges	\$	199,780
Real Estate Rentals	\$	850,559
Telecommunications	\$	335,700
Per Diem, Fees and Contracts	\$	1,259,638
Local Welcome Center Contracts	\$	241,600
Marketing	\$	5,486,189

Georgia Ports Authority Lease Rentals	\$	0
Foreign Currency Reserve	\$	0
Waterway Development in Georgia	\$	50,000
Lanier Regional Watershed Commission	\$	0
Total Funds Budgeted	\$	20,610,594
State Funds Budgeted	\$	20,384,594

Departmental Functional Budgets		Total Funds	State Funds
Administration	\$	8,052,323	\$ 8,052,323
Economic Development	\$	3,721,258	\$ 3,721,258
Trade	\$	1,608,625	\$ 1,608,625
Tourism	\$	5,427,716	\$ 5,201,716
Georgia Legacy	\$	1,175,385	\$ 1,175,385
Strategic Planning	\$	625,287	\$ 625,287
Total	\$	20,610,594	\$ 20,384,594

Section 17. Department of Insurance.

Budget Unit: Department of Insurance	\$	15,799,353
Personal Services	\$	14,129,498
Regular Operating Expenses	\$	800,728
Travel	\$	534,074
Motor Vehicle Purchases	\$	50,000
Equipment	\$	113,558
Computer Charges	\$	199,213
Real Estate Rentals	\$	825,294
Telecommunications	\$	342,424
Per Diem, Fees and Contracts	\$	211,219
Health Care Utilization Review	\$	0
Total Funds Budgeted	\$	17,206,008
State Funds Budgeted	\$	15,799,353

Departmental Functional Budgets		Total Funds	State Funds
Internal Administration	\$	4,248,088	\$ 4,248,088
Insurance Regulation	\$	6,425,444	\$ 6,425,444
Industrial Loans Regulation	\$	559,587	\$ 559,587
Fire Safety and Mobile Home Regulations	\$	5,347,889	\$ 3,941,234
Special Insurance Fraud Fund	\$	625,000	\$ 625,000
Total	\$	17,206,008	\$ 15,799,353

Section 18. Department of Juvenile Justice.

Budget Unit: Department of Juvenile Justice	\$	185,518,692
Personal Services	\$	109,418,846
Regular Operating Expenses	\$	11,449,175
Travel	\$	1,201,273
Motor Vehicle Purchases	\$	128,000
Equipment	\$	466,775

Computer Charges	\$	438,855
Real Estate Rentals	\$	1,884,885
Telecommunications	\$	1,191,008
Per Diem, Fees and Contracts	\$	8,533,838
Utilities	\$	3,338,520
Institutional Repairs and Maintenance	\$	693,989
Grants to County-Owned Detention Centers	\$	3,382,927
Service Benefits for Children	\$	18,607,910
Purchase of Service Contracts	\$	21,286,552
Health Services Purchases	\$	0
Capital Outlay	\$	8,997,601
Total Funds Budgeted	\$	191,020,154
State Funds Budgeted	\$	185,518,692

		<u>Total Funds</u>		<u>State Funds</u>
Regional Youth Development Centers	\$	43,218,670	\$	42,057,861
Bill Ireland YDC	\$	16,845,327	\$	16,181,815
Augusta State YDC	\$	11,846,291	\$	11,339,861
Lorenzo Benn YDC	\$	6,958,284	\$	6,718,800
Macon State YDC	\$	6,080,217	\$	5,792,658
Wrightsville YDC	\$	15,783,704	\$	15,115,614
YDC Purchased Services	\$	21,418,553	\$	20,777,712
Eastman YDC	\$	10,251,761	\$	10,024,761
Court Services	\$	19,893,065	\$	19,737,213
Day Centers	\$	493,281	\$	493,281
Group Homes	\$	1,114,257	\$	1,114,257
CYS Purchased Services	\$	21,095,774	\$	20,233,889
Georgia Addiction Pregnancy and Parenting Project	\$	50,000	\$	50,000
Law Enforcement Office	\$	1,766,287	\$	1,766,287
Assessment and Classification	\$	551,431	\$	551,431
Multi-Service Centers	\$	3,916,725	\$	3,826,725
Youth Services Administration	\$	9,736,527	\$	9,736,527
Total	\$	191,020,154	\$	185,518,692

Section 19. Department of Labor.

Budget Unit: Department of Labor	\$	10,500,998
Personal Services	\$	72,322,396
Regular Operating Expenses	\$	6,213,740
Travel	\$	1,305,910
Motor Vehicle Purchases	\$	0
Equipment	\$	457,047
Computer Charges	\$	3,058,815
Real Estate Rentals	\$	1,888,123
Telecommunications	\$	1,465,339
Per Diem, Fees and Contracts (JTPA)	\$	60,500,000
Per Diem, Fees and Contracts	\$	3,157,943
W.I.N. Grants	\$	0
Payments to State Treasury	\$	1,774,079

Capital Outlay		\$	0
Total Funds Budgeted		\$	152,143,392
State Funds Budgeted		\$	10,500,998
<u>Section 20. Department of Law.</u>			
Budget Unit: Department of Law		\$	13,274,252
Personal Services		\$	12,272,365
Regular Operating Expenses		\$	718,135
Travel		\$	179,322
Motor Vehicle Purchases		\$	0
Equipment		\$	27,686
Computer Charges		\$	311,601
Real Estate Rentals		\$	826,548
Telecommunications		\$	140,424
Per Diem, Fees and Contracts		\$	260,000
Books for State Library		\$	147,000
Total Funds Budgeted		\$	14,883,081
State Funds Budgeted		\$	13,274,252
<u>Section 21. Department of Medical Assistance.</u>			
A. Budget Unit: Medicaid Services		\$	1,179,984,690
Personal Services		\$	17,102,396
Regular Operating Expenses		\$	5,814,019
Travel		\$	188,400
Motor Vehicle Purchases		\$	0
Equipment		\$	51,500
Computer Charges		\$	42,878,090
Real Estate Rentals		\$	765,380
Telecommunications		\$	525,000
Per Diem, Fees and Contracts		\$	99,734,768
Medicaid Benefits, Penalties and Disallowances		\$	3,201,238,814
Audit Contracts		\$	772,500
Total Funds Budgeted		\$	3,369,070,867
State Funds Budgeted		\$	1,179,984,690
<u>Departmental Functional Budgets</u>			
		<u>Total Funds</u>	<u>State Funds</u>
Commissioner's Office	\$	1,823,493	\$ 871,641
Benefits, Penalties and Disallowances	\$	3,201,238,814	\$ 1,134,870,479
Systems Management	\$	50,348,074	\$ 11,527,182
Indemnity Chronic Care	\$	2,314,233	\$ 870,497
Reimbursement Services	\$	9,380,394	\$ 3,613,357
Indemnity Acute Care	\$	3,854,589	\$ 1,654,454
Legal and Regulatory	\$	5,466,700	\$ 2,733,350
Managed Care	\$	4,938,853	\$ 2,354,050
General Administration	\$	89,705,717	\$ 21,489,680
Total	\$	3,369,070,867	\$ 1,179,984,690
<u>B. Budget Unit: Indigent Trust Fund</u>			
Per Diem, Fees and Contracts		\$	8,200,000
Benefits		\$	368,962,635
Total Funds Budgeted		\$	377,162,635

State Funds Budgeted	\$	148,828,880
<u>Section 22. Merit System of Personnel Administration.</u>		
Budget Unit: Merit System of Personnel Administration	\$	300,000
Personal Services	\$	9,209,855
Regular Operating Expenses	\$	2,498,301
Travel	\$	111,100
Equipment	\$	41,453
Real Estate Rents	\$	866,109
Per Diem, Fees and Contracts	\$	191,288,143
Computer Charges	\$	3,412,707
Telecommunications	\$	445,820
Health Insurance Payments	\$	890,662,994
Total Funds Budgeted	\$	1,098,536,482
Other Agency Funds	\$	1,162,915
Agency Assessments	\$	11,153,613
Employee and Employer Contributions	\$	1,085,568,416
Deferred Compensation	\$	351,538
State Funds Budgeted	\$	300,000
Departmental Functional Budgets		

		<u>Total Funds</u>		<u>State Funds</u>
Executive Office	\$	3,294,263	\$	300,000
Human Resource Administration	\$	5,665,972	\$	0
Employee Benefits	\$	1,085,764,200	\$	0
Internal Administration	\$	3,812,047	\$	0
Personnel Practices Evaluation Audits	\$	0	\$	0
Total	\$	1,098,536,482	\$	300,000

Section 23. Department of Natural Resources.

A. Budget Unit: Department of Natural Resources	\$	103,180,384
Personal Services	\$	74,179,877
Regular Operating Expenses	\$	13,933,169
Travel	\$	582,059
Motor Vehicle Purchases	\$	1,446,520
Equipment	\$	2,004,467
Real Estate Rentals	\$	2,378,593
Per Diem, Fees and Contracts	\$	12,633,682
Computer Charges	\$	2,972,182
Telecommunications	\$	1,273,250
Authority Lease Rentals	\$	98,600
Advertising and Promotion	\$	675,000
Cost of Material for Resale	\$	1,693,217
Capital Outlay:		
New Construction	\$	1,188,810
Repairs and Maintenance	\$	3,088,000
Land Acquisition Support	\$	213,750

Wildlife Management Area Land Acquisition	\$	737,330	
Shop Stock Parks	\$	350,000	
User Fee Enhancements	\$	1,300,000	
Buoy Maintenance	\$	26,250	
Waterfowl Habitat	\$	0	
Paving at State Parks and Historic Sites	\$	500,000	
Grants:			
Land and Water Conservation	\$	800,000	
Georgia Heritage 2000 Grants	\$	256,500	
Recreation	\$	1,000,000	
Chattahoochee River Basin Grants	\$	0	
Contracts:			
Paralympic Games	\$	0	
Technical Assistance Contract	\$	0	
Corps of Engineers (Cold Water Creek State Park)	\$	170,047	
Georgia State Games Commission	\$	204,642	
U. S. Geological Survey for Ground Water Resources	\$	300,000	
U.S. Geological Survey for Topographic Mapping	\$	0	
Payments to Civil War Commission	\$	31,000	
Hazardous Waste Trust Fund	\$	7,380,472	
Solid Waste Trust Fund	\$	6,792,756	
Payments to Georgia Agricultural Exposition Authority	\$	2,062,017	
Payments to McIntosh County	\$	100,000	
Georgia Boxing Commission	\$	6,000	
Total Funds Budgeted	\$	140,378,190	
Receipts from Jekyll Island State Park Authority	\$	890,073	
Receipts from Stone Mountain Memorial Association	\$	2,122,585	
Receipts from Lake Lanier Islands Development Authority	\$	2,663,931	
Receipts from North Georgia Mountain Authority	\$	1,426,635	
Indirect DOAS Funding	\$	200,000	
State Funds Budgeted	\$	103,180,384	
Departmental Functional Budgets			
		<u>Total Funds</u>	<u>State Funds</u>
Commissioner's Office	\$	4,885,828	\$ 4,870,828
Program Support	\$	2,962,334	\$ 2,962,334
Historic Preservation	\$	2,731,243	\$ 2,241,243
Parks, Recreation and Historic Sites	\$	39,593,455	\$ 17,912,341

Coastal Resources	\$	2,189,298	\$	2,064,580
Wildlife Resources	\$	36,867,147	\$	31,765,356
Environmental Protection	\$	50,123,138	\$	40,337,955
Pollution Prevention Assistance	\$	1,025,747	\$	1,025,747
Total	\$	140,378,190	\$	103,180,384

B. Budget Unit: Georgia Agricultural Exposition

Authority	\$	0
Personal Services	\$	2,677,702
Regular Operating Expenses	\$	1,993,200
Travel	\$	25,000
Motor Vehicle Purchases	\$	30,000
Equipment	\$	100,000
Computer Charges	\$	20,000
Real Estate Rentals	\$	0
Telecommunications	\$	50,000
Per Diem, Fees and Contracts	\$	695,000
Capital Outlay	\$	0
Total Funds Budgeted	\$	5,590,902
State Funds Budgeted	\$	0
Departmental Functional Budgets		

		<u>Total Funds</u>		<u>State Funds</u>
Georgia Agricultural Exposition Authority	\$	5,590,902	\$	0

Section 24. Department of Public Safety.

A. Budget Unit: Department of Public Safety \$ 100,628,816

1. Operations Budget:

Personal Services	\$	61,941,346
Regular Operating Expenses	\$	8,005,646
Travel	\$	104,095
Motor Vehicle Purchases	\$	2,100,000
Equipment	\$	288,460
Computer Charges	\$	3,501,067
Real Estate Rentals	\$	28,962
Telecommunications	\$	1,944,147
Per Diem, Fees and Contracts	\$	994,000
State Patrol Posts Repairs and	\$	145,100

Maintenance

Capital Outlay	\$	0
Conviction Reports	\$	0
Total Funds Budgeted	\$	79,052,823
Indirect DOAS Service Funding	\$	1,650,000
State Funds Budgeted	\$	77,402,823

2. Driver Services Budget:

Personal Services	\$	18,074,759
Regular Operating Expenses	\$	1,110,763
Travel	\$	54,381
Motor Vehicle Purchases	\$	0

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Equipment		\$	47,643
Computer Charges		\$	50,000
Real Estate Rentals		\$	47,262
Telecommunications		\$	270,000
Per Diem, Fees and Contracts		\$	271,500
Capital Outlay		\$	0
Conviction Reports		\$	303,651
State Patrol Posts Repairs and Maintenance		\$	34,900
Driver License Processing		\$	2,961,134
Total Funds Budgeted		\$	23,225,993
Indirect DOAS Service Funding		\$	0
State Funds Budgeted		\$	23,225,993
Departmental Functional Budgets			
		<u>Total Funds</u>	<u>State Funds</u>
Administration	\$	19,334,349	\$ 17,834,349
Driver Services	\$	23,225,993	\$ 23,225,993
Field Operations	\$	59,718,474	\$ 59,568,474
Total	\$	102,278,816	\$ 100,628,816
B. Budget Unit: Units Attached for Administrative Purposes Only			\$ 14,162,878
Attached Units Budget:			
Personal Services		\$	8,147,049
Regular Operating Expenses		\$	2,608,334
Travel		\$	97,663
Motor Vehicle Purchases		\$	0
Equipment		\$	217,303
Computer Charges		\$	153,819
Real Estate Rentals		\$	154,997
Telecommunications		\$	172,113
Per Diem, Fees and Contracts		\$	524,390
Highway Safety Grants		\$	2,425,200
Peace Officers Training Grants		\$	3,536,527
Capital Outlay		\$	0
Total Funds Budgeted		\$	18,037,395
State Funds Budgeted		\$	14,162,878
Departmental Functional Budgets			
		<u>Total Funds</u>	<u>State Funds</u>
Office of Highway Safety	\$	3,051,769	\$ 327,252
Georgia Peace Officers Standards and Training	\$	1,417,555	\$ 1,417,555
Police Academy	\$	1,179,198	\$ 1,089,198
Fire Academy	\$	1,133,947	\$ 1,023,947
Georgia Firefighters Standards and Training Council	\$	464,482	\$ 464,482
Georgia Public Safety Training Facility	\$	10,790,444	\$ 9,840,444
Total	\$	18,037,395	\$ 14,162,878
<u>Section 25. Public School Employees' Retirement System.</u>			

Budget Unit: Public School Employees' Retirement System	\$	15,110,000
Payments to Employees' Retirement System	\$	575,000
Employer Contributions	\$	14,535,000
Total Funds Budgeted	\$	15,110,000
State Funds Budgeted	\$	15,110,000

Section 26. Public Service Commission.

Budget Unit: Public Service Commission	\$	8,482,241
Personal Services	\$	7,389,185
Regular Operating Expenses	\$	643,921
Travel	\$	277,556
Motor Vehicle Purchases	\$	204,500
Equipment	\$	61,826
Computer Charges	\$	399,811
Real Estate Rentals	\$	330,108
Telecommunications	\$	158,378
Per Diem, Fees and Contracts	\$	1,266,590
Total Funds Budgeted	\$	10,731,875
State Funds Budgeted	\$	8,482,241

Departmental Functional Budgets

		<u>Total Funds</u>		<u>State Funds</u>
Administration	\$	2,185,724	\$	2,185,724
Transportation	\$	3,561,341	\$	1,541,099
Utilities	\$	4,984,810	\$	4,755,418
Total	\$	10,731,875	\$	8,482,241

Section 27. Board of Regents, University

System of Georgia.

A. Budget Unit: Resident Instruction	\$	1,300,899,052
Personal Services:		
Educ., Gen., and Dept. Svcs	\$	1,347,011,158
Sponsored Operations	\$	204,900,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs	\$	332,815,456
Sponsored Operations	\$	146,225,000
Special Funding Initiative	\$	19,622,118
Office of Minority Business Enterprise	\$	1,491,151
Student Education Enrichment Program	\$	351,860
Forestry Research	\$	741,611
Research Consortium	\$	48,453,064
Capital Outlay	\$	5,319,000
Total Funds Budgeted	\$	2,106,930,418
Departmental Income	\$	42,000,000
Sponsored Income	\$	351,125,000

Agricultural Experiment Station	\$ 69,322,582	\$ 40,136,393
Cooperative Extension Service	\$ 55,926,738	\$ 32,518,352
Medical College of Georgia Hospital and Clinics	\$ 262,074,410	\$ 33,608,599
Veterinary Medicine Experiment Sta- tion	\$ 2,984,133	\$ 2,984,133
Veterinary Medicine Teaching Hospital	\$ 5,118,005	\$ 535,878
Joint Board of Family Practice	\$ 25,427,456	\$ 25,427,456
Georgia Radiation Therapy Center	\$ 3,413,908	\$ 0
Athens and Tifton Veterinary Labora- tories	\$ 3,491,531	\$ 137,561
Regents Central Office	\$ 27,594,577	\$ 27,487,728
Total	\$ 585,398,415	\$ 183,271,269
C. Budget Unit: Georgia Public Tele- communications Commission		\$ 0
Personal Services		\$ 9,906,134
Operating Expenses		\$ 19,774,000
Total Funds Budgeted		\$ 29,680,134
Other Funds		\$ 29,680,134
State Funds Budgeted		\$ 0
D. Budget Unit: Lottery for Education		\$ 35,054,422
Equipment, Technology and Con- struction Trust Fund		\$ 15,000,000
Georgia Public Telecommunications Commission		\$ 1,500,000
Internet Connection Initiative		\$ 6,454,422
Special Funding Initiatives		\$ 12,100,000
Total Funds Budgeted		\$ 35,054,422
Lottery Funds Budgeted		\$ 35,054,422
<u>Section 28. Department of Revenue.</u>		
Budget Unit: Department of Revenue		\$ 103,880,873
Personal Services		\$ 60,489,292
Regular Operating Expenses		\$ 5,221,372
Travel		\$ 1,366,540
Motor Vehicle Purchases		\$ 120,000
Equipment		\$ 410,048
Computer Charges		\$ 12,600,530
Real Estate Rentals		\$ 2,886,194
Telecommunications		\$ 2,711,370
Per Diem, Fees and Contracts		\$ 1,250,237
County Tax Officials/Retirement and FICA		\$ 4,172,795
Grants to Counties/Appraisal Staff		\$ 0
Motor Vehicle Tags and Decals		\$ 2,642,850
Postage		\$ 3,506,810
Investment for Modernization		\$ 11,881,290
Total Funds Budgeted		\$ 109,259,328
Indirect DOAS Services Funding		\$ 3,845,000
State Funds Budgeted		\$ 103,880,873
Departmental Functional Budgets		

	<u>Total Funds</u>	<u>State Funds</u>
Departmental Administration	\$ 19,736,656	\$ 19,736,656
Internal Administration	\$ 11,643,171	\$ 11,493,171
Electronic Data Processing	\$ 11,635,054	\$ 10,619,854
Field Services	\$ 16,553,073	\$ 16,413,073
Income Tax Unit	\$ 8,174,335	\$ 7,874,335
Motor Vehicle Unit	\$ 17,583,288	\$ 16,283,288
Central Audit Unit	\$ 8,187,047	\$ 8,187,047
Property Tax Unit	\$ 4,959,156	\$ 3,225,701
Sales Tax Unit	\$ 4,021,076	\$ 3,921,076
State Board of Equalization	\$ 23,103	\$ 23,103
Taxpayer Accounting	\$ 4,204,944	\$ 3,565,144
Alcohol and Tobacco	\$ 2,538,425	\$ 2,538,425
Total	\$ 109,259,328	\$ 103,880,873
<u>Section 29. Secretary of State.</u>		
A. Budget Unit: Secretary of State		\$ 29,087,000
Personal Services		\$ 18,042,115
Regular Operating Expenses		\$ 3,156,655
Travel		\$ 239,500
Motor Vehicle Purchases		\$ 175,019
Equipment		\$ 89,990
Computer Charges		\$ 2,789,487
Real Estate Rentals		\$ 2,402,255
Telecommunications		\$ 845,850
Per Diem, Fees and Contracts		\$ 1,726,594
Election Expenses		\$ 664,535
Total Funds Budgeted		\$ 30,132,000
State Funds Budgeted		\$ 29,087,000
<u>Departmental Functional Budgets</u>		
	<u>Total Funds</u>	<u>State Funds</u>
Internal Administration	\$ 3,869,578	\$ 3,839,578
Archives and Records	\$ 4,822,902	\$ 4,747,902
Business Services and Regulation	\$ 4,553,807	\$ 3,783,807
Elections and Campaign Disclosure	\$ 4,629,248	\$ 4,609,248
Drugs and Narcotics	\$ 1,235,085	\$ 1,235,085
State Ethics Commission	\$ 387,907	\$ 387,907
State Examining Boards	\$ 10,532,499	\$ 10,382,499
Holocaust Commission	\$ 100,974	\$ 100,974
Total	\$ 30,132,000	\$ 29,087,000
B. Budget Unit: Real Estate Commission		\$ 2,235,046
Personal Services		\$ 1,344,466
Regular Operating Expenses		\$ 167,500
Travel		\$ 15,000
Motor Vehicle Purchases		\$ 25,000
Equipment		\$ 9,630
Computer Charges		\$ 333,150
Real Estate Rentals		\$ 165,300
Telecommunications		\$ 42,000
Per Diem, Fees and Contracts		\$ 133,000

Total Funds Budgeted		\$	2,235,046
State Funds Budgeted		\$	2,235,046
Departmental Functional Budgets			
			<u>Cost of</u>
			<u>Operations</u>
Real Estate Commission	\$	<u>State Funds</u> 2,235,046	\$ 2,275,046
<u>Section 30. Soil and Water Conservation Commission.</u>			
Budget Unit: Soil and Water Conservation Commission			\$ 2,132,890
Personal Services			\$ 1,277,680
Regular Operating Expenses			\$ 241,858
Travel			\$ 38,568
Motor Vehicle Purchases			\$ 13,078
Equipment			\$ 11,669
Computer Charges			\$ 45,776
Real Estate Rentals			\$ 106,062
Telecommunications			\$ 36,576
Per Diem, Fees and Contracts			\$ 549,905
County Conservation Grants			\$ 174,418
Total Funds Budgeted			\$ 2,495,590
State Funds Budgeted			\$ 2,132,890
<u>Section 31. Student Finance Commission.</u>			
A. Budget Unit: Student Finance Commission			\$ 34,167,303
Personal Services			\$ 444,058
Regular Operating Expenses			\$ 15,000
Travel			\$ 16,000
Motor Vehicle Purchases			\$ 17,000
Equipment			\$ 3,100
Computer Charges			\$ 13,822
Real Estate Rentals			\$ 40,000
Telecommunications			\$ 12,000
Per Diem, Fees and Contracts			\$ 50,000
Payment of Interest and Fees			\$ 0
Guaranteed Educational Loans			\$ 4,739,075
Tuition Equalization Grants			\$ 26,264,000
Student Incentive Grants			\$ 1,221,380
Law Enforcement Personnel Dependents' Grants			\$ 86,000
North Georgia College ROTC Grants			\$ 337,500
Osteopathic Medical Loans			\$ 100,000
Georgia Military Scholarship Grants			\$ 808,368
Paul Douglas Teacher Scholarship Loans			\$ 0
Total Funds Budgeted			\$ 34,167,303
State Funds Budgeted			\$ 34,167,303
Departmental Functional Budgets			
		<u>Total Funds</u>	<u>State Funds</u>

Georgia Student Finance Authority	\$	33,556,323	\$	33,556,323
Georgia Nonpublic Postsecondary Education Commission	\$	610,980	\$	610,980
Total	\$	34,167,303	\$	34,167,303
B. Budget Unit: Lottery for Education			\$	204,195,380
HOPE Financial Aid - Tuition			\$	95,910,165
HOPE Financial Aid - Books			\$	26,643,606
HOPE Financial Aid Fees			\$	20,946,256
Tuition Equalization Grants			\$	21,051,971
Hope Scholarships Private Colleges			\$	27,180,000
Georgia Military College Scholarship			\$	640,200
LEPD Scholarship			\$	249,736
Teacher Scholarships			\$	10,000,000
Promise Scholarships			\$	1,003,446
Engineer Scholarships			\$	570,000
Total Funds Budgeted			\$	204,195,380
Lottery Funds Budgeted			\$	204,195,380
<u>Section 32. Teachers' Retirement System.</u>				
<u>Budget Unit: Teachers' Retirement System</u>			\$	4,070,000
Personal Services			\$	5,544,716
Regular Operating Expenses			\$	378,425
Travel			\$	20,500
Motor Vehicle Purchases			\$	0
Equipment			\$	14,300
Computer Charges			\$	815,736
Real Estate Rentals			\$	518,566
Telecommunications			\$	190,302
Per Diem, Fees and Contracts			\$	335,650
Retirement System Members			\$	3,750,000
Floor Fund for Local Retirement Systems			\$	320,000
Total Funds Budgeted			\$	11,888,195
State Funds Budgeted			\$	4,070,000
<u>Section 33. Department of Technical and Adult Education.</u>				
<u>A. Budget Unit: Department of Technical and Adult Education</u>			\$	236,500,565
Personal Services			\$	5,632,485
Regular Operating Expenses			\$	596,890
Travel			\$	161,380
Motor Vehicle Purchases			\$	0
Equipment			\$	187,271
Real Estate Rentals			\$	653,288
Per Diem, Fees and Contracts			\$	794,575
Computer Charges			\$	912,165
Telecommunications			\$	129,033
Salaries and Travel of Public Librarians			\$	14,608,836

Contracts with the Georgia Rail Passenger Authority		\$	4,550,000
Total Funds Budgeted		\$	1,230,149,944
State Funds Budgeted		\$	606,922,083
<u>Departmental Functional Budgets</u>			
<u>Motor Fuel Tax Budget</u>			
		<u>Total Funds</u>	<u>State Funds</u>
Planning and Construction	\$	886,176,749	\$ 287,175,190
Maintenance and Betterments	\$	244,240,628	\$ 231,816,643
Facilities and Equipment	\$	12,932,803	\$ 12,372,803
Administration	\$	29,093,905	\$ 28,310,230
Total	\$	1,172,444,085	\$ 559,674,866
<u>General Funds Budget</u>			
Planning and Construction	\$	0	\$ 0
Air Transportation	\$	1,871,114	\$ 1,451,103
Inter-Modal Transfer Facilities	\$	55,054,745	\$ 45,016,114
Harbor/Intra-Coastal Waterways Activities	\$	780,000	\$ 780,000
Total	\$	57,705,859	\$ 47,247,217
<u>Section 35. Department of Veterans Service.</u>			
Budget Unit: Department of Veterans Service		\$	20,481,548
Personal Services		\$	5,156,689
Regular Operating Expenses		\$	180,263
Travel		\$	92,245
Motor Vehicle Purchases		\$	0
Equipment		\$	201,495
Computer Charges		\$	20,400
Real Estate Rentals		\$	248,700
Telecommunications		\$	67,500
Per Diem, Fees and Contracts		\$	14,158,810
Capital Outlay		\$	686,260
Operating Expense/Payments to Medical College of Georgia		\$	7,420,422
Regular Operating Expenses for Projects and Insurance		\$	498,100
Total Funds Budgeted		\$	28,730,884
State Funds Budgeted		\$	20,481,548
<u>Departmental Functional Budgets</u>			
		<u>Total Funds</u>	<u>State Funds</u>
Veterans Assistance	\$	21,259,462	\$ 15,548,518
Veterans Nursing Home-Augusta	\$	7,471,422	\$ 4,933,030
Total	\$	28,730,884	\$ 20,481,548
<u>Section 36. Workers' Compensation Board.</u>			
Budget Unit: Workers' Compensation Board		\$	10,918,457
Personal Services		\$	8,826,969
Regular Operating Expenses		\$	407,287

Travel	\$	111,345
Motor Vehicle Purchases	\$	0
Equipment	\$	5,160
Computer Charges	\$	315,919
Real Estate Rentals	\$	1,079,835
Telecommunications	\$	166,902
Per Diem, Fees and Contracts	\$	195,040
Payments to State Treasury	\$	0
Total Funds Budgeted	\$	11,108,457
State Funds Budgeted	\$	10,918,457

Section 37. State of Georgia General

Obligation Debt Sinking Fund.

A. Budget Unit: State of Georgia

General Obligation Debt Sinking Fund

State General Funds (Issued)	\$	534,342,132
Motor Fuel Tax Funds (Issued)	\$	35,000,000
	\$	569,342,132

B. Budget Unit: State of Georgia General Obligation Debt Sinking Fund

State General Funds (New)	\$	22,657,482
Motor Fuel Tax Funds (New)	\$	0
	\$	22,657,482

Section 38. Provisions Relative to Section 3,

Judicial Branch.

The appropriations in Section 3 (Judicial) of this Act are for the cost of operating the Supreme Court of the State of Georgia, including salaries and retirement contributions for Justices and the employees of the Court, including the cost of purchasing and distributing the reports (decisions) of the appellate courts to the Judges, District Attorneys, Clerks, and others as required by Code Section 50-18-31, and including Georgia's pro rata share for the operation of the National Center for State Courts; cost of operating the Court of Appeals of the State of Georgia, including salaries and retirement contributions for judges and employees of the Court; cost of operating the Superior Courts of the State of Georgia, including the payment of Judges' salaries, the payment of mileage authorized by law and such other salaries and expenses as may be authorized by law; for the payment of salaries, mileage and other expenses as may be authorized by law for District Attorneys, Assistant District Attorneys and District Attorneys Emeritus; for the cost of staffing and operating the Prosecuting Attorneys' Council created by Code Section 15-18-40, the Sentence Review Panel created by Code Section 17-10-6, the Council of Superior Court Judges, and the Judicial Administrative Districts created by Code Section 15-5-2, for the latter of which funds shall be allocated to the ten administrative districts by the Chairman of the Judicial Council; cost of operating the Council of Juvenile Court Judges created by Code Section 15-11-4; cost of staffing and operating the Institute of Continuing Judicial Education and the Georgia Magistrate Courts Training Council created by Code Section 15-10-132; cost of operating the Judicial Council of the State of Georgia, the Administrative Office of the Courts, the Board of Court Reporting of the Judicial Council, the Georgia Courts Automation Commission and the Office of Dispute Resolution, and for payments to the Council of Magistrate Court Judges, the Council of Probate Court Judges and the Council of State Court Judges.

Section 39. Provisions Relative to Section 4,

Department of Administrative Services.

It is the intent of the General Assembly that all future purchases of radio and related equipment must be compatible with the 800 mhz system. Purchases must be approved by the Office of Planning and Budget and the Department of Administrative Services.

Section 40. Provisions Relative to Section 7,

Department of Community Affairs.

Provided, that the funds appropriated herein to the Georgia Environmental Facilities Authority for loans shall be available for nominal or no interest loans to counties, municipalities, local water or sewer authorities, boards or political subdivisions created by the General Assembly or pursuant to the Constitution and laws of the state for emergency-type water and sewer projects.

Provided, that from the appropriation made above for "Local Assistance Grants", specific, mandatory appropriations pursuant to O.C.G.A. 50-8-8(a) are made as follows:

<u>Recipient</u>	<u>Purpose</u>	<u>Amount</u>
City of Warner Robins	Operating funds for the Aviation Museum	\$ 90,000
City of Atlanta	Clark Atlanta University's Public Access and Teacher Education Program	\$ 325,000
Whitfield County	Funds for Automated Fingerprint and Information System in Whitfield County	\$ 110,000
Richmond County	Funds for Automated Fingerprint and Information System in Richmond County	\$ 110,000
Bibb County	Funds for Automated Fingerprint and Information System in Bibb County	\$ 110,000
Muscogee County	Funds for Automated Fingerprint and Information System in Muscogee County	\$ 110,000
Clark County	Funds for Automated Fingerprint and Information System in Clark County	\$ 110,000
Fulton County Development Authority	Funds for Fulton County Development Authority for a business assistance project	\$ 525,000
City of Albany	Funds for the planning and design of the Flint River Center	\$ 1,447,727
Effingham County Board of Education	Media Centers for Effingham County School Systems	\$ 40,000
Cobb County	For Campbell High School athletic facility	\$ 5,000
Cobb County	Computer equipment for King Springs Elementary	\$ 15,000
Cobb County	Operation of the Blind and Low Vision Program	\$ 5,000
City of Lilburn	Park improvements for the City of Lilburn	\$ 10,000

City of Jeffersonville	Improvements to City of Jeffersonville facilities	\$	20,000
Jones County	Equipment for the Jones County Fire Department	\$	20,000
Jefferson County	Purchase computers for Jefferson County Sheriff's Department	\$	20,000
DeKalb County	Operating funds for Southwest YMCA	\$	30,000
Fulton County	Operation of St. Judes Recovery Center	\$	25,000
City of Quitman	Improvements to City of Quitman City Park	\$	30,000
Echols County Board of Education	Repairs to Echols County High School gymnasium	\$	20,000
City of Kennesaw	Improvements to baseball stadium in City of Kennesaw	\$	20,000
City of Pearson	Improvements to City of Pearson recreational facilities	\$	7,500
City of Willacoochee	Improvements to Willacoochee City Hall	\$	7,500
City of Clarkston	Repairs to Clarkston City Hall	\$	10,000
City of Warner Robins	Mission Quest Flight Simulator Center at the Museum of Aviation	\$	450,000
DeKalb County	For Georgia Women's History Study	\$	25,000
Tattnall County Board of Education	Operation of Tattnall County Health Outreach Program	\$	10,000
Pike County	Construction of tennis courts for Pike County	\$	25,000
Newton County	Purchase recreation equipment for Newton County	\$	5,000
Fulton County	Operation of Fulton County Horticulture Program	\$	10,000
DeKalb County	Operation of South DeKalb Business Incubator	\$	10,000
DeKalb County	Operation of the South DeKalb Choir	\$	5,000
Murray County	Construction of Murray County Animal Shelter	\$	15,000
Columbia County	Operation of Columbia County Historical Society	\$	7,500
McDuffie County	Operation of McDuffie County Historical Society	\$	7,500
Henry County	Paving for Hidden Valley Park	\$	5,000
Atlanta-Fulton Public Library Foundation	Purchase computer equipment and materials for Roswell Regional Library	\$	20,000
Dekalb County	Operation of Youth Prevention Program	\$	5,000
Gwinnett County	Construction of Fallen Heroes Park Monument	\$	25,000

Troup County	Operation of Troup Harris Coweta Regional Library	\$	5,000
Coweta County	Coweta County playground equipment for handicapped children	\$	5,000
City of Tignall	Purchase fire department equipment for City of Tignall	\$	5,000
Fulton County	Operation of Fulton County Library Foundation Roswell	\$	20,000
Hall County	Operation of Hall County Humane Society	\$	5,000
Cobb County Board of Education	Outdoor classroom for Cobb County School System	\$	15,000
Bacon County	Operation of Bacon County Airport	\$	5,000
City of Tybee	Tybee Island Lighthouse	\$	5,000
City of Berlin	Operating expenses for the City of Berlin	\$	5,000
Macon County	For the Macon County Public Safety and Civil Defense Facility	\$	7,000
Gwinnett County Board of Education	Equipment for Meadowcreek High School	\$	25,000
Wilkes County	Purchase equipment for Wilkes County EMS	\$	5,000
Clarke County	Operation of the Athens-Clarke County after school program	\$	20,000
City of Dalton	Operation of the Northwest Georgia Girls Home	\$	30,000
Cobb County	Construct physical education facility at Pebblebrook High School	\$	35,000
City of Kennesaw	Renovation of Old Fire Station into recreational facility	\$	10,000
City of Acworth	Renovation of Acworth Coats and Clark Ballfield	\$	10,000
Wilkes County	Wilkes County Airport Development	\$	35,250
Cobb County Board of Education	Construction of South Cobb High School Athletic Field House	\$	75,000
City of Hazelhurst	Construct an asphalt recycling plant in Hazelhurst	\$	250,000
City of Augusta	Plan and design of the renovation of the Warren A. Candler Building	\$	950,000
Lamar County	Construct an agricultural livestock facility	\$	300,000
City of Trenton	Renovation to convert Trenton City pool to indoor pool	\$	10,000

City of Lafayette	Construction of bathroom facilities and recreation improvements for City of Lafayette recreation department	\$	15,000
Walker County	Renovation to ball fields for Naomi Community	\$	10,000
Walker County	Wallaceville Community Center operations	\$	10,000
City of Chickamauga	Renovation of park at Crawfish Springs	\$	10,000
City of Fort Oglethorpe	Fort Oglethorpe fire department improvements and community downtown project	\$	10,000
Murray County	Remodeling of the Chamber of Commerce Building in City of Chatsworth	\$	25,000
Lumpkin County	Construction of natural gas lines to Lumpkin County Industrial Park	\$	20,000
Gilmer County	Restore and microfilm Gilmer County court records	\$	25,000
Fannin County	Renovate Fannin/Gilmer County Humane Shelter	\$	10,000
Rabun County	Equipment and operations for Mountain City, Youth and Rescue	\$	50,000
Union County	Recreation concession stand for Union County	\$	15,000
Towns County	To purchase an emergency generator for Towns County	\$	14,000
White County	Operation of White County Recreation Board	\$	17,500
White County	Operation of White County Library	\$	6,500
City of Fairmont	To purchase frontend loader for City of Fairmont	\$	24,000
Gordon County	Purchase of van for transport of clients to Gordon County Training Center	\$	26,000
Gordon County	Calhoun- Gordon County Council on Battered Women, Inc. for repairs and ADA improvements to Battered Women's Shelter	\$	10,000
City of Adairsville	Renovations and repairs to the City of Adairsville Police Department	\$	25,000
City of Cave Spring	Replacement of Cave Spring sewer lines and repairs to water system in Rolator Park	\$	50,000
City of Breman	Operation of recreation program at City of Bremen	\$	15,000
City of Buchanan	Operation of recreation program at City of Buchanan	\$	15,000
City of Tallapoosa	Operation of recreation program at City of Tallapoosa	\$	15,000

City of Waco	Operation of recreation program at City of Waco	\$	15,000
Haralson County	Operation of recreation program at Haralson County	\$	15,000
Hall County	Construction of new shelter for Hall County Humane Society	\$	50,000
Stephens County	Operation of Northeast Georgia Boys and Girls Club	\$	5,000
City of Toccoa	Equipment for Police Department for City of Toccoa	\$	15,000
Banks County	Operation/equipment for Banks County volunteer fire department	\$	10,000
Stephens County	Equipment for fire, recreation and sheriffs departments of Stephens County	\$	30,000
City of Bowersville	Operation of water system for City of Bowersville	\$	10,000
City of Franklin Springs	Improvements to City of Franklin Springs water system	\$	20,000
City of Canon	City of Canon park improvements	\$	20,000
Hart County Board of Education	Purchase of uniforms and equipment for Hart County High School band	\$	20,000
Franklin County Board of Education	Replacement of boiler and equipment for cannery in Franklin County	\$	5,000
City of Kingston	Completion of annex to Kingston Women's Club Museum	\$	25,000
City of Smyrna	City of Smyrna for operation of blind/low vision services	\$	10,000
Cobb County Board of Education	King Springs Elementary School-purchase computer and technology equipment	\$	15,000
City of Smyrna	Restoration and preservation of historical site in Smyrna	\$	25,000
Cobb County	Operation of Cobb County Youth Museum	\$	25,000
City of Marietta	Marietta Museum of History-repairs to historical building	\$	10,000
City of Marietta	Maintenance plan for grounds at Marietta Confederate Cemetary	\$	25,000
City of Acworth	For recreation fields and parking lots at Pop Willis Field in City of Acworth	\$	25,000
City of Kennesaw	Improvements to railroad crossings in City of Kennesaw	\$	9,000
City of Kennesaw	Design and renovation of Old Kennesaw Elementary School	\$	20,000
Cobb County Board of Education	Construction of outdoor classroom for Blackwell Elementary School	\$	10,000

Cobb County Board of Education	Purchase computers for Sprayberry High School	\$	10,000
Cobb County Board of Education	Lassiter High School-improvements to restroom facilities in stadium and physical edu- cation fields	\$	10,000
Cobb County Board of Education	Additional lighting in hallways and gym for Lassiter High School	\$	10,000
Cobb County Board of Education	Paving at Lassiter High School sta- dium and girls' softball field	\$	10,000
City of Alpharetta	Construction of a building for the Al- pharetta Environmental Education Center	\$	25,000
City of Alpharetta	Equipment and renovations for Al- pharetta Police Youth Athletic League	\$	10,000
Fulton County Schools	Renovation and improvements to out- door environmental education class- rooms at Dolvin and Finley Oaks ele- mentary schools	\$	15,000
Fulton County	Expansion and renovation of the Wil- liams- Payne Museum	\$	15,000
Fulton County	Operation of Georgia Council for the Hearing Impaired, Inc.	\$	10,000
Fulton County	Operation of ACHOR Center	\$	50,000
City of Atlanta	Operation of Basketball, Inc. after school tutorial program	\$	40,000
City of Atlanta	Operation of West Hunter St. Baptist Church after school tutorial and ath- letics program	\$	25,000
City of Atlanta	To operate Beulah Baptist Church Saturday School Tutorial	\$	10,000
City of Atlanta	Renovation of House of Hope Mission	\$	40,000
City of Atlanta	Operation of Springs of Life Family Life Program	\$	35,000
City of East Point	To operate City East Point swimming pool	\$	50,000
DeKalb County	Repair of storm water pipes at Zono- lite Drive Industrial Park	\$	20,000
City of Clarkston	Renovation of Arts and Cultural Center at Old Clarkston High School	\$	35,000
City of Atlanta	Renovate facilities, purchase recrea- tion equipment and operate after school tutorial/care at East Atlanta YMCA	\$	50,000
DeKalb County	Repairs for Shoal Creek Park field house and installation of bleachers at Little League Park	\$	18,000

DeKalb County	To assist various DeKalb County communities with beautification clean up	\$	15,000
DeKalb County Board of Education	To operate the School of Excellence-Star Jacket Awards Program and replace old gym equipment at Columbia High School	\$	5,000
DeKalb County Board of Education	Purchase of instruments for Towers High School Band	\$	5,000
City of Decatur	To operate Decatur Arts Academy summer programs for middle school youth	\$	10,000
DeKalb County	Feasibility study for Dekalb County Convention Center	\$	40,000
DeKalb County	Operations of South DeKalb Community Development Corporation	\$	5,000
DeKalb County	To operate and equip the Royal Ambassadors Program	\$	5,000
DeKalb County	Operations of Gresham Park Baseball and Softball Association	\$	25,000
DeKalb County	To furnish the Comprehensive Addiction Rehabilitation Program medical clinic	\$	5,000
Gwinnett County Board of Education	Renovation and expansion of Parkview High School Stadium	\$	35,000
Gwinnett County Board of Education	Operations of Meadowbrook High School athletic fields	\$	25,000
City of Duluth	Develop and complete recreational fields at Duluth City Park	\$	40,000
City of Buford	Grading for new school in City of Buford	\$	20,000
Gwinnett County	Physical education facilities at Lanier Middle School	\$	15,000
Gwinnett County	Operations of North Gwinnett Girls' Softball Field	\$	25,000
City of Social Circle	Renovation at historic Gunter Hall	\$	7,000
Clarke County Board of Education	Operations of Safe Campuses Now	\$	40,000
Clarke County Board of Education	Foreign language classes at David C. Barrow Elementary School	\$	25,000
Clarke County	To provide a security fence at Hope Haven facility in Clarke County	\$	12,000
City of Athens	To operate Project Grand Slam in Clarke County	\$	5,000
Clarke County	Athens Tutorial Program after school activity	\$	15,000

Clarke County	Operations of The Creative Visions Foundation, Inc	\$	10,000
City of Tignall	Repair/renovation of City of Tignall community center	\$	5,000
Lincoln County	Fence/restoration of log cabin in Lincoln County historical park	\$	15,000
Willkes County Board of Education	Lighting for Wilkes County High School baseball field	\$	20,000
Lincoln County	Planning for Lincoln County Economic Development	\$	20,000
Morgan County	Operation of Agricultural Center in Morgan County	\$	100,000
Newton County	Renovation to historic Gaither Plantation	\$	50,000
Newton County	Playground equipment for Newton County	\$	5,000
Clayton County Board of Education	Operating funds for athletic program at Riverdale Middle School	\$	5,000
Clayton County Board of Education	To purchase band uniforms at North Clayton High School	\$	10,000
Clayton County Board of Education	Playground equipment for Church St Elementary School	\$	5,000
Clayton County Board of Education	Playground equipment-Northcutt Elementary School	\$	5,000
Clayton County Board of Education	Operating funds for athletic program and band uniforms for Riverdale High School	\$	10,000
Clayton County Board of Education	Playground equipment-E. W. Oliver Elementary	\$	5,000
Clayton County Board of Education	Operating funds for athletic program-North Clayton High School	\$	10,000
Clayton County Board of Education	Playground equipment for West Clayton Elementary School	\$	5,000
Clayton County Board of Education	Playground equipment for Riverdale Elementary School	\$	5,000
Clayton County Board of Education	Operating funds for athletic program at North Clayton Middle School	\$	5,000
Clayton County	Operations of Alzheimers home in Clayton County	\$	75,000

Clayton County	Operations of Calvary Refuge Homeless Shelter	\$	25,000
Carroll County Board of Education	Operations of athletic complex at Villa Rica High School	\$	10,000
Carroll County Board of Education	Operations of athletic complex at Mt. Zion High School	\$	10,000
Carroll County	Operations of athletic complex at Carroll County Recreation Department	\$	25,000
Coweta County	Purchase of eight defibrillators for Coweta County Fire Department	\$	20,000
City of Newnan	To restore railroad depot for Newnan-Coweta Historical Society	\$	10,000
City of McDonough	Infrastructure improvements for stormwater drainage for City of McDonough	\$	10,000
Henry County	Lighting and asphalt paving on tennis courts at Hidden Valley Park	\$	10,000
City of Stockbridge	New park facility for City of Stockbridge	\$	10,000
Butts County	Purchase video cameras and radar for Butts County sheriff department	\$	14,500
City of Flovilla	Install emergency generator in City of Flovilla Fire Department	\$	20,000
City of Locust Grove	Purchase in-car cameras for patrol cars for City of Locust Grove	\$	24,000
City of Culloden	Culloden community center/historic schoolhouse renovation	\$	25,000
Jasper County Board of Education	Jasper County athletic facility renovations and band uniforms	\$	30,000
City of Monticella	City of Monticello park construction/equipment and downtown historic renovations	\$	30,000
Putnam County Recreation Authority	Improvements to recreation facilities in Putnam County	\$	7,500
Oglethorpe County	Renovation to Shaking Rock Park	\$	7,500
Greene County	Renovation to historic Greene County jail	\$	65,000
City of Harlem	Renovation and beautification to entrance ways to City of Harlem	\$	10,000
Columbia County	Purchase playground equipment for Westmont Elementary School	\$	5,000
City of Harlem	Purchase equipment for City of Harlem	\$	10,000
Columbia County	Lights for Lakeside High School baseball field	\$	25,000

Columbia County	Playground equipment for Riverside Park	\$	25,000
Columbia County Board of Education	Landscaping to repair erosion at Bel Air Elementary School	\$	5,000
Richmond County	Renovation to marshal's substation	\$	15,000
Richmond County Board of Education	Equipment for CSRA Law Enforcement Training Center	\$	5,000
Richmond County	Conservation treatment for sixty-two flags and banners in Augusta-Richmond County Museum	\$	15,000
Richmond County Board of Education	Westside High School improvements to field house	\$	5,000
Richmond County	To build a portico onto the Woodrow Wilson House	\$	5,000
Richmond County	Operation of Easter Seals in Richmond County	\$	10,000
City of Augusta	Operation of Woodrow Wilson historic home	\$	100,000
City of Waynesboro	Improve historic/commercial district of City of Waynesboro	\$	50,000
City of Augusta	Operation of health program at Beulau Grove Resource Center	\$	25,000
City of Augusta	Operation of Augusta Richmond Opportunities Center after school program	\$	25,000
City of Augusta	To construct a recreation complex in east Augusta	\$	50,000
Richmond County Board of Education	Purchase playground equipment for Hephzibah Elementary School	\$	5,000
Glascock County	Operations of the Glascock County recreation department	\$	10,000
Warren County	Warren County EMS radio equipment and two external defibrillators	\$	10,000
Glascock County	Glascock County to purchase radar and intoximeter	\$	10,000
Glascock County	Purchase two external defibrillators for Glascock County EMA	\$	3,000
City of Gibson	Purchase and equip surplus vehicle for City of Gibson	\$	10,000
Hancock County	Operate Hancock County recreation programs and summer day camp	\$	10,000
City of Sparta	City of Sparta equipment to lower fire rating	\$	10,000
Washington County	Purchase a Washington County fire truck	\$	40,000

Jefferson County	Purchase of land for a Jefferson County park	\$	50,000
Baldwin County	Improvements at Baldwin recreation department	\$	50,000
Baldwin County	Equipment for new fire station in Baldwin County	\$	25,000
Baldwin County	Design/construct Milledgeville/Baldwin County 2000+ project	\$	20,000
City of Jeffersonville	Develop and plan for addition to Jeffersonville fire station	\$	20,000
Jones County	Replace fire trucks in Jones County	\$	20,000
City of Gordon	Renovation/restoration of old railroad depot in City of Gordon	\$	60,000
Bibb County	Operations of Disabilities Connection	\$	50,000
Bibb County	Operation of Hay House	\$	30,000
Bibb County	Operation of Middle Ga. Council on Drugs	\$	15,000
Bibb County	Operation of Harriet Tubman Museum	\$	25,000
Bibb County	Operation of Macon Little League	\$	15,000
Bibb County	Operation of Booker T. Washington Center	\$	15,000
Peach County	Relocation of waste water lift station and sewer lines in Peach County for City of Byron	\$	75,000
Peach County	Study to determine water and sewer needs of Peach County	\$	25,000
Meriwether County	Operate and equip Meriwether County recreation program	\$	40,000
Meriwether County	Operate/designate FDR/Warm Springs Welcome Center	\$	10,000
Muscogee County	Operation of Project Stars in Talbot County	\$	25,000
City of Columbus	Columbus Community Center-Operation of Outreach Program	\$	30,000
City of Columbus	City of Columbus operation of Play and Learn Together Program	\$	15,000
Muscogee County	Operation of Bridge Program (GED)	\$	25,000
Muscogee County	Operation of Summer Tutorial program combined communities	\$	25,000
Muscogee County	Operation of youth and recreation facility	\$	5,000
Muscogee County	Operation of Easter Seals program	\$	40,000
Muscogee County	Operation of Springer Opera House	\$	75,000
Muscogee County	Operation of Boys Club/Phoenix City, Inc. outreach program	\$	120,000
Muscogee County	Operation of Columbus Consolidated Government/ Records Management Center	\$	110,000

Muscogee County	Operation of Two Thousand Opportunities Inc.	\$	50,000
Muscogee County	Operation of Liberty Theater	\$	75,000
Muscogee County	Operation of A.J. McClure YMCA after school program	\$	25,000
City of Americus	City of Americus parks renovation	\$	25,000
City of Americus	Renovation of Rylander Theater in City of Americus	\$	75,000
Crisp County	Repair and renovation of the Cordele Little Theater	\$	25,000
City of Unadilla	Improvement to City of Unadilla wastewater treatment operation	\$	25,000
City of Hawkinsville	Purchase equipment and computers for Hawkinsville library	\$	10,000
Pulaski County	Study of consolidation of city/county government in Pulaski County	\$	25,000
Macon County Board of Education	Funds to address and map Macon County	\$	50,000
Houston County	Operation of Perry/Houston County Airport	\$	75,000
Bleckley County Board of Education	Construction of tennis courts in Bleckley/Cochran County	\$	50,000
City of Rentz	Water, sewer and land for new schools in City of Rentz	\$	50,000
Dodge County Board of Education	Band uniforms for Dodge County school	\$	25,000
Bleckley County	Operation of Bleckley County Sheriff's Department	\$	7,500
Dodge County	Operation of Eastman/Dodge County Arts Council	\$	15,000
City of Rhine	Repair to City of Rhine Community Center	\$	5,000
City of Milan	Water and sewer for City of Milan	\$	5,000
Dodge County	Purchase computer equipment for Dodge County	\$	7,500
Dodge County Board of Education	Construct softball fields for Dodge County schools	\$	15,000
Laurens County Board of Education	Replacement of wrestling mats at East Laurens, West Laurens and City of Dublin high schools	\$	25,000
City of East Dublin	Improvements to water and sewer systems in City of East Dublin	\$	25,000
City of Dudley	Funds to purchase land, water and sewer for City of Dudley	\$	50,000

Emanuel County	Purchase equipment for library in Emanuel County	\$	10,000
Emanuel County	Improvements to Emanuel County auditorium and recreation complex	\$	50,000
City of Kite	Improvements to City of Kite recreation complex	\$	5,000
Treutlen County Board of Education	Renovation and improvements to Treutlen County auditorium athletic complex	\$	10,000
City of Twin City	Improvements to Twin City community center	\$	7,500
City of Swainsboro	Renovations to Swainsboro City Hall	\$	10,000
City of Wrightsville	Improvements to Wrightsville recreation complex	\$	7,500
Candler County	Metter/Candler community center installation of hip roof	\$	20,000
Bulloch County	Construct Mill Creek Park picnic pavilion with restrooms	\$	20,000
City of Statesboro	Operation of Statesboro Bulloch recreation department	\$	58,000
City of Springfield	Operation of bi-centennial program in City of Springfield	\$	11,000
Effingham County Board of Education	Establish/improve baseball facilities at Effingham County high schools	\$	20,000
Effingham County	Renovation/relocation of one-room school house	\$	5,000
Effingham County	Purchase an air bag system setup for Faulkville Community	\$	4,000
Effingham County	Purchase a handicap-accessible van for Effingham County	\$	10,000
Effingham County	Renovations to the Effingham County Courthouse	\$	20,000
City of Guyton	Renovate the City of Guyton gymnasium	\$	10,000
City of Savannah	Roof replacement/renovation of King Tisdell/Beach Institute	\$	5,000
City of Savannah	Operations of Chatham/Savannah Youth Services Corp	\$	25,000
Town of Thunderbolt	Purchase fire truck for the Town of Thunderbolt	\$	20,000
City of Savannah	Restoration of steam locomotive	\$	25,000
City of Savannah	Restoration of Old Charity Hospital	\$	10,000
City of Savannah	Restoration of Moses Jackson School	\$	10,000
City of Savannah	Monument in honor of the African American Family	\$	5,000

City of Pooler	Renovation/purchase of recreational equipment for City of Pooler athletic fields	\$	5,000
Chatham County	To purchase recreation equipment for City of Georgetown	\$	5,000
City of Savannah	Renovation of the Carnegie Library	\$	25,000
City of Savannah	Stabilize and restore structures at Central of Georgia Railway National Landmark	\$	25,000
City of Richmond Hill	Computer hardware for Richmond Hill Public Library	\$	6,000
Evans County Board of Education	Purchase of computer hardware for Claxton Public Library	\$	6,000
Tattnall County Board of Education	Computer hardware for Glennville Public Library	\$	6,000
City of Vidalia	Equip/renovate City of Vidalia recreation fields and playground	\$	20,000
City of Lyons	Equip/renovate Partin Park in City of Lyons	\$	20,000
Montgomery County	Renovate City of Mt. Vernon and Montgomery County recreation areas	\$	15,000
Wheeler County	Equip/renovate Alamo and Glenwood recreation	\$	20,000
Ben Hill County	Equipment for Ben Hill volunteer fire stations	\$	10,000
Irwin County	Display cabinets for artifacts at Jeff Davis State Park Museum	\$	15,000
Wilcox County	Operation of Wilcox County rural fire department at Cedar Creek	\$	10,000
Ben Hill County	Softball fields and improvements at Paulk Park	\$	10,000
City of Ocilla	Operation of Ocilla little league baseball fields	\$	15,000
Wilcox County	Design/construct lighting for Wilcox County recreation department little league ball park	\$	20,000
Wilcox County Board of Education	Purchase vocational equipment for Wilcox County High School	\$	15,000
Irwin County	Equipment for Irwin County volunteer fire stations	\$	10,000
City of Sumner	Purchase of recreation equipment for City of Sumner	\$	10,000
City of Sycamore	Purchase recreation equipment, land and improvements for City of Sycamore	\$	25,000
City of Warwick	Purchase of recreation equipment	\$	10,000

City of Rebecca	Repairs and improvements to City of Rebecca water system	\$	10,000
Quitman County Board of Education	Purchase of equipment for Quitman Community Elementary School	\$	25,000
Randolph County Board of Education	Repairs to leaks at Randolph/Clay Middle School	\$	20,000
Calhoun County Board of Education	Relocation of exhaust fans in gymnasium at Calhoun Elementary School	\$	9,000
Clay County Board of Education	Purchase furniture, desks and new lab computers for new Clay County Elementary School	\$	25,000
Chattahoochee Board of Education	Purchase media equipment for Chattahoochee County Education Center	\$	65,000
Randolph County	Purchase vehicles for Randolph County rural public transportation program	\$	11,150
City of Cusseta	Well system for City of Cusseta	\$	96,000
City of Dawson	Equip and operate the Community Development office	\$	25,000
Marion County	Lighting for Marion County ballfields	\$	30,000
Webster County	Expansion of Webster County Agriculture Education Center	\$	20,000
Terrell County	Hanger construction at Terrell County Airport	\$	25,000
City of Blakely	Renovation of historic theater in Blakely	\$	10,000
City of Donalsonville	Renovation of Olive Theater	\$	15,000
Baker County	Develop age appropriate children's program	\$	20,000
City of Albany	Operations of SAFEC-Parenting classes and after school tutorial programs and youth apprenticeship	\$	20,000
Dougherty County	Renovate and repair Easter Seal facility	\$	15,000
City of Baconton	Purchase equipment and computer upgrades	\$	5,000
City of Doerun	Renovation of Doerun City Hall building	\$	20,000
Mitchell County	Operations of Smart Teens Primary Prevention Program	\$	10,000
Sale City	Purchase computer upgrades and office equipment	\$	5,000
City of Camilla	Renovate old gymnasium and tennis courts	\$	25,000

Mitchell County	Construction of shed for fire trucks for Greenough volunteer fire department	\$	10,000
Mitchell County	Install a new water well for Cotton volunteer fire department	\$	5,000
City of Pelham	Upgrade City of Pelham recreation facilities	\$	25,000
Tift County	Equipment for Tift County volunteer fire department	\$	15,000
City of Norman Park	Equipment for Norman Park volunteer fire department	\$	10,000
Tift County	Purchase bullet proof vests and drug dog for Tift County sheriff	\$	10,000
City of Nashville	Construction of sidewalk on West Hull Street	\$	5,000
Cook County	Lighting for little league ball fields in Cook County	\$	5,000
City of Nashville	Playground equipment for Memorial Park	\$	5,000
City of Enigma	Repair roof of Senior Citizen Center	\$	5,000
City of Sparks	Installation of street signs in City of Sparks	\$	3,000
City of Lenox	Equipment for rural doctors office owned by City of Lenox	\$	20,000
Cook County	Equipment for Alzheimer Day Care Center	\$	3,000
City of Alapaha	Street lighting for City of Alapaha	\$	5,000
Coffee County	Equipment for volunteer fire department and an Oak Park zoning plan in Coffee County	\$	10,000
City of Douglas	Purchase equipment for youth recreational activities	\$	15,000
City of Willacoochee	Equipment/repairs of athletic fields	\$	3,000
City of Pearson	Equipment/repairs to athletic fields	\$	3,000
Atkinson County	Comprehensive Atkinson County plan	\$	20,000
City of Ambrose	Renovations for Ambrose City Hall & Voting Precinct	\$	10,000
City of Broxton	Renovation and computers for City Hall and Broxton Police	\$	10,000
City of Waycross	Promotion of City of Waycross, Ware and Pierce County Tourism	\$	10,000
Ware County	Funds for recreational programs in Ware County	\$	25,000
Ware County Board of Education	Pilot program for development of Consumer Economic Education program for K-12	\$	20,000
Brantley County	Operation of the Brantley County	\$	10,000
City of Patterson	Construct T-ball field in City of Patterson	\$	5,000

City of Alma	Tree and bush beautification project	\$	5,000
City of Alma			
Pierce County	Operation of Pierce County Lee Street Resource Center	\$	20,000
City of Offerman	Operating expenses for City of Offerman	\$	5,000
City of Blackshear	Tree and bush beautification project	\$	5,000
Bacon County	Operation of Alma-Bacon County Department of Intergovernmental relations	\$	45,000
Charlton County	St. George Winoker race pond and county beautification project	\$	5,000
City of Nahunta	Law enforcement equipment for City of Nahunta	\$	5,000
City of Hoboken	Recreation improvements for the City of Hoboken	\$	5,000
Appling County Board of Education	Operation of Alternative School Assistance	\$	15,000
City of Denton	Operation/equipment for recreation program	\$	5,000
Wayne County	Operation/equipment for Wayne County Madray Springs Fire Department	\$	5,000
Wayne County	Operation/equipment for Wayne County K'ville Fire Department	\$	5,000
Appling County Development Authority	Economic development planning	\$	10,000
Telfair County	Equipment for Telfair County Horse Creek fire department	\$	5,000
Jeff Davis County	Improvements to the Jeff Davis County Courthouse grounds	\$	5,000
City of McRae	Improvements to City of McRae City Hall	\$	25,000
Jeff Davis County	Operation of Jeff Davis County local welcome center	\$	5,000
Jeff Davis County	Operation of fire department and community center for Snipesville Community	\$	10,000
Jeff Davis County Board of Education	Computer networking for Jeff Davis Board of Education	\$	5,000
Jeff Davis County	Equipment for emergency command vehicle for Jeff Davis County EMS	\$	5,000
City of Baxley	Water and Sewer upgrades for City of Baxley	\$	25,000
Long County	Law enforcement equipment for Long County	\$	10,000

Wayne County	Construction of animal shelter in Wayne County	\$	10,000
City of Jesup	Downtown Revitalization for City of Jesup	\$	10,000
City of Odum	Repair to Odum City fire department station	\$	10,000
City of Screven	Repairs to City of Screven sewage facilities	\$	10,000
City of Ludowici	Repair to City of Ludowici back up water facility	\$	10,000
Liberty County	Renovation of buildings at Seabrook Village Foundation, Inc.	\$	10,000
Liberty County	Operation of Coastal Medical Assistance Clinic	\$	10,000
Glynn County	Improvements to Neptune Park in Glynn County	\$	20,000
Glynn County	Repairs to Baldwin Park in Glynn County	\$	20,000
City of St. Marys	Purchase equipment for City of St. Marys	\$	60,000
City of Hahira	Hahira City Hall renovation	\$	25,000
Clinch County	Equipment for Clinch County Emergency Management	\$	10,000
Lanier County Board of Education	Renovation on field house for Lanier County	\$	25,000
Lowndes County Chamber of Commerce	Lowndes County operations of Drugs Don't Work Program	\$	10,000
Lowndes County	Purchase police equipment and beautification of historic district of City of Remerton	\$	50,000
Brooks County	Equipment and operations Brooks County volunteer fire departments	\$	10,000
Brooks County	Brooks County Museum and Cultural Center replacement of roof and other repairs	\$	15,000
Brooks County	Replacement of roof and other repairs	\$	15,000
Brooks County	Work on the Quitman Recreation Project ball field	\$	15,000
Echols County Board of Education	Equipment and repair to Echols County High School gymnasium	\$	15,000
City of Quitman	Quitman recreation project-continuation of work on ball field and recreational park	\$	20,000
City of Lake Park	Rescue boat and equipment for volunteer fire department of Lake Park	\$	10,000

City of Social Circle	Acquisition and construction of city park including off street parking for City of Social Circle	\$	25,000
Cobb County	Restoration of C-130 in Cobb County	\$	30,000
Fulton County	Operation of Georgia Women's History Context Study project	\$	30,000
City of Savannah	Operation of Coastal Conservation	\$	25,000
City of Tybee Island	Renovation of Tybee Lighthouse	\$	100,000
Tattnall County Board of Education	Purchase of materials for Vo-Ag Facility	\$	15,000
City of Alapaha	Purchase Little League equipment	\$	5,000
City of Georgetown	Installation of new sewer system	\$	25,000
Richmond County	Operations of Trinity School in Augusta	\$	10,000
Augusta Housing Authority	Operations of Golden Harvest Food Bank	\$	20,000
City of Senoia	Purchase sewage pump truck	\$	10,000
City of Mount Zion	Purchase of property for the City of Mount Zion	\$	20,000
City of Atlanta	Feasibility study for agri-science program at Carver High School	\$	10,000
Cobb County Board of Education	Purchase lights for Harrison High School baseball field	\$	10,000
Taliaferro County	Renovation of Locust Grove Cemetery	\$	30,000
DeKalb County	Operation of DeKalb Historical Society	\$	15,000
DeKalb County	Operation fo South DeKalb Incubator	\$	10,000
Clayton County Board of Education	Operation of Project Decision	\$	30,000
Clarke County	Operations of Safe Campuses Now	\$	40,000
City of Lavonia	Construction of multi-purpose recreation field	\$	25,000
Gwinnett County Board of Education	Construction of athletic facility at Collins High School	\$	50,000
City of Adairsville	Purchase equipment for Folsom volunteer fire department	\$	10,000
Bartow County	Purchase equipment for Pine Log volunteer fire department	\$	10,000
City of Austell	Purchase computer equipment	\$	35,000
Gwinnett County Board of Education	Renovation of athletic field facilities at Parkview High School	\$	50,000

City of Homeland	Purchase land/construct emergency access on US#1 overpass for emergency vehicles	\$	20,000
Clinch County	Purchase aircraft for Clinch County Sheriff's Department for locating marijuana fields	\$	10,500
City of Ray City	Repairs to Ray City water well	\$	11,000
Town of Fargo	Purchase of equipment to establish a community library	\$	19,375
Town of Alapaha	Construction of a fence and drainage system for existing park	\$	12,500
Nashville County	Repairs to Nashville County Courthouse Square	\$	20,000
Brantley County	Purchase of equipment for volunteer fire department to be shared by both Brantley and Pierce Counties	\$	15,000
Montgomery County	Operations of Montgomery County Development Authority	\$	10,000
Pierce County	Equipment/computers for Pierce County Resource Center for "At Risk" students studying for GED	\$	12,000
City of Offerman	Purchase equipment for City Hall	\$	5,000
City of Lyons	Purchase recreational equipment for Partin Park	\$	10,000
City of Hoboken	Purchase lights and equipment for ball field	\$	5,000
City of Screven	Paint and repair City of Screven City Hall	\$	5,000
City of Graham	Extension of city sewer line for City of Graham	\$	5,000
Toombs County Board of Education	Purchase land for parking lot for high school football stadium	\$	35,000
Glynn County	Operations of SHARE	\$	25,000
Dooly County	Operation of State of Georgia Cotton Museum	\$	25,000
Clarke County	Operations of Food Bank of NE Georgia	\$	25,000
Oconee County	Improvement to facilities at recreation fields	\$	10,000
Bibb County	Renovation and purchase equipment for Kings Park Recreation Park	\$	25,000
City of Warrenton	Construct fencing/lighting for new recreation area	\$	15,000
Oglethorpe County	Renovation of recreation facilities	\$	5,000

City of Lincolnton	Repairs to storm sewer project	\$	15,000
Washington D.C.	Construction of Women's Memorial at Arlington National Cemetery	\$	25,000
Hall County	Renovations/construction Challenged Child Inc.	\$	50,000
Richmond county	Purchase of property for Southeastern Firefighters Burn Foundation	\$	25,000
McDuffie County	Construction of Fire Safety House	\$	3,500
Richmond County	Lighting for West Augusta Little League	\$	12,000
Richmond County	Lighting for Master City Little League	\$	12,000
Richmond County	Operations of Hope House for Women	\$	20,000
City of Avera	Purchase air packs for volunteer fire department	\$	5,000
City of Euharlee	Restore and preserve historic city buildings	\$	20,000
Paulding County Board of Education	Renovate/improve field house at Paul- ding County High School	\$	60,000
City of Aragon	Operations of the athletic program	\$	5,000
City of Cartersville	Operations of arts/recreation program	\$	20,000
City of Dallas	Construction of historic museum	\$	10,000
City of Rockmart	Construction of pavilion at Rockmart Northwest Park	\$	15,000
City of Cedartown	Operations of athletic program	\$	10,000
City of Atlanta	Operations of Outdoor Therapeutic Program	\$	40,000
Treutlen County Board of Education	Construction of restrooms for baseball field	\$	25,000
Emanuel County	Improvements to city/county audito- rium and recreation complex	\$	25,000
Wheeler County	Recreation facilities	\$	25,000
City of Milledgeville	Restoration of Griffin-Baugh Cottage	\$	12,000
Hancock County	Purchase fire fighting equipment	\$	10,000
City of Milledgeville	Roof repairs on education center of Boys and Girls Club of City of Mil- ledgeville	\$	15,000
City of Milledgeville	Operations and purchase of equip- ment at Rape Crisis Center of Mil- ledgeville	\$	15,000
City of Monticello	Purchase equipment for Get Ahead House after school tutoring and parenting program	\$	5,000
City of Cusseta	Construct new well	\$	75,000
Muscogee County	Operations of Rediscovery in Musco- gee County	\$	20,000

Muscogee County	Operations of Southwest Against Drugs	\$	15,000
Gwinnett County	Operations of Collins Hill Athletic As- sociation Softball program of Gwin- nett County	\$	15,000
DeKalb County	Operations of The Winning Circle	\$	20,000
DeKalb County	Operation of Scottdale Youth Athletic Association	\$	10,000
DeKalb County	Purchase supplies/equipment for Re- dan Park Athletic Program of DeKalb County	\$	5,000
Effingham County	Improvements to athletic field	\$	20,000
Effingham County	Construct handicap access walk for hospital and nursing home in Effing- ham County	\$	5,000
City of Manassas	Purchase of city water pump	\$	7,000
City of Statesboro	Purchase computer work stations and wiring for Statesboro Regional Li- brary	\$	10,000
Evans County Recre- ation Authority	Expansion of ball fields and play ar- eas	\$	25,000
Jenkins County	Materials for enlarging Jenkins County Agriculture Education Center	\$	25,000
Statesboro Airport Authority	Improvements to Statesboro airport	\$	15,000
Screven City Airport Authority	Resurface runway at City of Screven Airport	\$	20,000
City of Savannah	Expand public library loaner fishing equipment program for Coastal Con- servation Association	\$	10,000
City of Leesburg	Installation of traffic signals for City of Leesburg	\$	50,000
City of Byron	Water system for the City of Byron	\$	50,000
City of Andersonville	Operations of Historic Andersonville Trail	\$	10,000
City of Montezuma	Construct sidewalk for City of Mon- tezuma	\$	68,800
Taylor County Board of Education	Construct athletic complex for Taylor County schools	\$	50,000
City of Marshallville	Paving to Felton Memorial Cemetery	\$	10,000
City of Plains	Construct building addition to City of Plains police/fire department	\$	25,000
Peach County	Construct fire department annex on Fort Valley State College campus	\$	70,000
City of LaFayette	Repair and restore Gordon Hall at Chattooga Academy	\$	20,000
Dade County	Construct all-purpose pavilion at park	\$	30,000

Chattooga County	Purchase equipment to enhance 911 system	\$	30,000
Fulton County	Operation of Kidsgym USA, Inc.	\$	50,000
Fulton County	Operation of Promise Children's Home, Inc.	\$	15,000
Fulton County	Operation of "Listen Up" drug program	\$	10,000
Chatham County	Renovate Old YMCA Building for community center	\$	400,000
Chatham County	Operation of Mighty Eighth Air Force Museum	\$	55,000
City of Thunder	Construction of restrooms at W.E. Waterfront Park	\$	70,000
Liberty County	Operations of Coastal Medical Assistance Clinic	\$	16,000
Long County	Construction of an additional ball field with lights and fence for recreation department	\$	30,000
Liberty County	Upgrade athletic equipment to meet safety standard requirements	\$	20,000
City of Pembroke	Renovation of recreational park behind Bryan County Courthouse	\$	25,000
McIntosh County Board of Education	Purchase football field lighting for McIntosh County school	\$	25,000
Glynn County	Renovations/improvements to Ellis Point Park	\$	20,000
Cobb County Board of Education	Pilot project for "Reading Fluency Intervention"	\$	50,000
Meriwether County	Renovate building for Warm Springs Welcome Center	\$	50,000
Madison County Board of Education	Construction of high school tennis courts	\$	20,000
City of Arcade	Operations of City of Arcade	\$	35,000
Floyd County	Operations of Camp Good Times (Summer Day Camp)	\$	15,000
Floyd County	Operations of 100 Black Men, mentoring program	\$	10,000
White County	Construction of ADA compliant swimming pool	\$	20,000
Rabun County	Purchase equipment for volunteer fire department	\$	5,000
Union County	Renovation of Union County Courthouse	\$	50,000
DeKalb County	Field acquisition for Georgia Soccer Foundation	\$	30,000

Fulton County	Operation of St Jude Recovery Center for Women of Fulton County	\$	25,000
DeKalb County	Roof renovation at Elaine Clarke Activity Center	\$	15,000
City of Decatur	Operation of Decatur Neighborhood Playhouse	\$	6,000
Chatham County	Building renovation for Turning Point Parent & Child Inc. of Chatham County	\$	15,000
Whitfield County	Improvements to joint sewer service in Whitfield and Dalton counties	\$	25,000
Grady County	Construction of volunteer fire department	\$	10,000
Grady County	Renovation of Historical Society facility	\$	20,000
Thomasville Board of Education	Improvements for Thomasville City School's track	\$	15,000
City of Donalsonville	Purchase of computer hardware	\$	20,000
Blakely County	Construction of recreation field for Blakely and Early Counties	\$	15,000
City of Bainbridge	Construction of sidewalk in Willis Park	\$	10,000
City of Blue Ridge	Improvements to fence and lighting for City Park	\$	25,000
Fannin County	Planning/design for civic center and auditorium	\$	15,000
Fannin County	Install public address system in Fannin County Courthouse	\$	5,000
Forsyth County Board of Education	Renovation of two classrooms for science labs	\$	20,000
Gwinnett County Board of Education	Construction of high school football stadium	\$	55,000
Fulton County	Repairs to drainage system and purchase of equipment for Grant Park Learning Center	\$	18,500
City of Morrow	Improvements to City of Morrow park	\$	7,500
City of Lake City	Improvements to Lake City park	\$	7,500
City of Jonesboro	Improvements to City of Jonesboro park	\$	7,500
City of Riverdale	Improvements to City of Riverdale park	\$	7,500
City of Forest Park	Improvements to downtown revitalization project	\$	20,000

Coffee County	Construction of bridge for General Coffee State Park	\$	90,000
Telfair County	Interior renovations for County Courthouse	\$	15,000
City of Rhine	Renovation of City of Rhine Community Center	\$	20,000
City of Alma	Purchase Jaws of Life for fire department	\$	7,500
City of Nicholls	Assist with downtown beautification project and operating expenses	\$	20,000
City of Smyrna	Operation of "Blind and Low Vision Center"	\$	15,000
Terrell County	Construction of airport hangar in Terrell County	\$	50,000
City of Dawson	Creation/operations of Dawson Community Economic Development Office	\$	35,000
Catoosa County	Lighting for Mattox recreation complex	\$	40,000
City of Dalton	Operation of North West Georgia Girls Home	\$	20,000
Fulton County	Operation of Sickie Cell Center at Hughes Spalding Children's Hospital	\$	20,000
Fulton County	Renovate Southwest Hospital & Medical Center to meet ADA requirements	\$	20,000
Fulton County	Operation of Grady First Steps program	\$	60,000
Cobb County	Purchase van for mental retardation services to be shared by Cobb and Douglas Counties	\$	20,000
City of Marietta	Operation of Civil War Museum	\$	30,000
Richmond County	Operation of community based programs	\$	120,000
DeKalb County	Operation of the Arts Station	\$	10,000
DeKalb County	Operation of DeKalb Juvenile Court Sex Offender Program	\$	30,000
DeKalb County	Operation of Our House	\$	10,000
Fulton County	Operation of Providence Learning Center "At Risk" School Program	\$	165,387
Thomas County	Operation of Halcyon Home (Battered Women's Shelter)	\$	45,000
Coweta County	Purchase defibrillators for fire department	\$	15,000
City of Warm Springs	Design of new building for Good Shepherd Therapeutic Center	\$	10,000
Clay County	Operate recreation park for children	\$	50,000
City of Athens	Improvements to Cedar Shoals High School running track surface	\$	40,000

Irwin County	Purchase equipment for Holt/Lax volunteer fire department	\$	5,000
City of Hawkinsville	Restoration of Opera House	\$	10,000
Pulaski County	Renovation of Pulaski County Courthouse	\$	50,000
Blakely County	Renovation of Blakely County Courthouse	\$	50,000
City of Centerville	Construction of fire house	\$	100,000
City of Milan	Improvements to water and sewer system	\$	5,000
City of Swainsboro	Plan and design of physical education facility at East Georgia College	\$	120,000
Houston County	Operations and training for Houston County volunteer fire department	\$	25,000

Section 41. Provisions Relative to Section 10,
State Board of Education
Department of Education.

The formula calculation for Quality Basic Education funding assumes a base unit cost of \$1,925.22. In addition, all local school system allotments for Quality Basic Education shall be made in accordance with funds appropriated by this Act.

Provided, that of the above appropriation relative to 13% incentive grants to local school systems for implementing middle grades programs, such grants shall be made to local school systems for only those schools containing grades seven and eight or grades six, seven and eight which provide a minimum of 85 minutes of common preparation time during the student instructional day to each interdisciplinary team of teachers responsible for instruction in language arts, mathematics, science and social studies, and which meet criteria and standards prescribed by the State Board of Education for middle school programs.

Section 42. Provisions Relative to Section 15,
Department of Human Resources.

The Department of Human Resources is authorized to calculate all Aid to Families with Dependent Children benefit payments utilizing a factor of 66.0% of the standards of need; such AFDC payments shall be made from the date of certification and not from the date of application; and the following maximum benefits and maximum standards of need shall apply:

Number in Asst. Group	Standards of Need	Maximum Monthly Amount
1	\$ 235	\$ 155
2	356	235
3	424	280
4	500	330
5	573	378
6	621	410
7	672	444
8	713	470
9	751	496

10	804	530
11	860	568

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Provided, the Department of Human Resources is authorized to transfer funds between the Personal Services object class and the Per Diem, Fees and Contracts subobject class at each of the MH/MR/SA institutions as needed to insure coverage for physician, nursing, physical therapy, and speech and hearing therapy services. Such transfers shall not require prior budgetary approval.

Provided, that of the appropriation relative to Community Mental Health/Mental Retardation and Institutions, Regional Boards will be allocated State hospital fund equal to their DHR approved formula fair share. Regional Boards must use their fair share allocation or 90% of their base year hospital utilization funding (whichever is less) to purchase State hospital services. The balance may be used for community based care in accordance with approved Regional Plans.

Section 43. Provisions Relative to Section 21,
Department of Medical Assistance.

There is hereby appropriated to the Department of Medical Assistance a specific sum of money equal to all the moneys contributed to the Indigent Care Trust Fund created pursuant to Article 6 of Chapter 8 of Title 31. The sum of money is appropriate for all of those purposes for which such moneys may be appropriated pursuant to Article 6, and may be used to match federal funds which are available for such purposes.

Medicaid formulary restrictions, including prior authorization, shall be based on the individual patient's clinical and medical criteria and on cost-effectiveness.

Adjust nursing home reimbursement rates effective April 1, 1998 using the June 30, 1996 cost reports plus the appropriate DRI index in accordance with the existing reimbursement methodology.

Section 44. Provisions Relative to Section 22,
Merit System of Personnel Administration.

The Department is authorized to assess no more than \$137.00 per budgeted position for the cost of departmental operations.

It is the intent of this General Assembly that the employer contribution rate for the state employees health benefit plan for SFY 1998 shall not exceed 12.5%.

It is the intent of this General Assembly that the employer contribution rate for the teachers health benefit plan for SFY 1998 shall not exceed 8.66%.

Section 45. Provisions Relative to Section 23,
Department of Natural Resources.

Provided, that to the extent State Parks and Historic Sites receipts are realized in excess of the amount of such funds contemplated in this Act, the Office of Planning and Budget is authorized to use up to 50 percent of the excess receipts to supplant State funds and the balance may be amended into the budget of the Parks, Recreation and Historic Sites Division for the most critical needs of the Division. This provision shall not apply to revenues collected from a state parks parking pass implemented by the Department.

It is the intent of the General Assembly that the Department of Natural Resources provide grants to local governments in the Chattahoochee River Basin to deal with downstream environmental problems.

Section 46. Provisions Relative to Section 33,
 Department of Technical and Adult Education.

To provide authorization for the conversion of Atlanta Area Technical Institute and Savannah Regional Technical Institute to State operated institutions.

Section 47. Provisions Relative to Section 34,
 Department of Transportation.

For this and all future general appropriations acts, it is the intent of this General Assembly that the following provisions apply:

a.) In order to meet the requirements for projects on the Interstate System, the Office of Planning and Budget is hereby authorized and directed to give advanced budgetary authorization for letting and execution of Interstate Highway Contracts not to exceed the amount of Motor Fuel Tax Revenues actually paid into the Fiscal Division of the Department of Administrative Services.

b.) Objects for activities financed by Motor Fuel Tax Funds may be adjusted for additional appropriations or balances brought forward from previous years with prior approval by the Office of Planning and Budget.

c.) Interstate rehabilitation funds may be used for four-laning and passing lanes. Funds appropriated for on-system resurfacing, four-laning and passing lanes may be used to match additional Federal aid.

d.) The Fiscal Officers of the State are hereby directed as of July 1st of each fiscal year to determine the collection of Motor Fuel Tax in the immediately preceding year less refunds, rebates and collection costs and enter this amount as being the appropriation payable in lieu of the Motor Fuel Tax Funds appropriated in Section 34 of this Bill, in the event such collections, less refunds, rebates and collection costs, exceed such Motor Fuel Tax Appropriation.

e.) Functions financed with General Fund appropriations shall be accounted for separately and shall be in addition to appropriations of Motor Fuel Tax revenues required under Article III, Section IX, Paragraph VI, Subsection (b) of the State Constitution.

f.) Bus rental income may be retained to operate, maintain and upgrade department-owned buses, and air transportation service income may be retained to maintain and upgrade the quality of air transportation equipment.

In order to aid the Department in the discharge of its powers and duties pursuant to Section 32-2-2 of the Official Code of Georgia Annotated, and in compliance with Section 32-2-41 (b)(1), O.C.G.A., the Department is authorized to transfer position counts between budget functions provided that the Department's total position count shall not exceed the maximum number of annual positions assigned by law.

It is the express intent of this General Assembly, by this Act, that the use of motor fuel funds for the purpose of providing annual debt service on existing or new general obligation debt, for road purposes, issued by the State of Georgia, is for the sole and specific purpose of addressing the State's special need appropriation.

Section 48.

In addition to all other appropriations for the State fiscal year ending June 30, 1998, there is hereby appropriated \$3,600,000 for the purpose of providing funds for the operation of regional farmers' markets in the Department of Agriculture; and there is hereby appropriated \$400,000 for the purpose of providing funds for the Weights and

Measures, Warehouse Auditing Programs, Animal Protection Program and Feed Division; there is hereby appropriated \$9,468,000 for the purpose of providing operating funds for the State physical health laboratories (\$120,000) and for State mental health mental retardation institutions (\$9,348,000) in the Department of Human Resources and there is hereby appropriated \$10,000,000 for the purpose of providing funds for the operation of the Employment Service and Unemployment Insurance Programs in the Department of Labor. The Office of Planning and Budget is hereby authorized to transfer funds from this section to the appropriate departmental budgets in amounts equal to the departmental remittances to the Fiscal Division of the Department of Administrative Services from agency fund collections.

Section 49.

To the extent to which Federal funds become available in amounts in excess of those contemplated in this Appropriations Act, such excess Federal funds shall be applied as follows, whenever feasible:

First, to supplant State funds which have been appropriated to supplant Federal funds, which such supplanted State funds shall thereupon be removed from the annual operating budgets; and

Second, to further supplant State funds to the extent necessary to maintain the effective matching ratio experienced in the immediately preceding fiscal year, which such supplanted State funds shall thereupon be removed from the annual operating budget.

The Office of Planning and Budget shall utilize its budgetary and fiscal authority so as to accomplish the above stated intent to the greatest degree feasible. At the end of this fiscal year, said Office of Planning and Budget shall provide written notice to the members of the Appropriations Committees of the Senate and House of Representatives of the instances of noncompliance with the stated intent of this Section.

A nonprofit contractor, as defined in Chapter 20 of Title 50, which contracts to receive any public funds appropriated in this Act shall comply with all provisions of Chapter 20 of Title 50 and shall, in addition, deposit copies of each filing required by Chapter 20 of Title 50 with the chairmen of the House and Senate Appropriations Committees and with the Legislative Budget Office, at the same time as the filings required under Chapter 20 of Title 50. Any nonprofit entity which receives a grant of any public funds appropriated in this Act without entering into a contractual arrangement shall likewise as a condition of such grant, comply with the provisions of Chapter 20 of Title 50 in the same manner as a state contractor and shall likewise file copies of required filings with the chairmen of the House and Senate Appropriations Committees.

Section 50.

Each agency for which an appropriation is authorized herein shall maintain financial records in such a fashion as to enable the State Auditor to readily determine expenditures as contemplated in this Appropriations Act.

Section 51.

In addition to all other appropriations, there is hereby appropriated as needed, a specific sum of money equal to each refund authorized by law, which is required to make refund of taxes and other monies collected in error, farmer gasoline tax refund and other refunds specifically authorized by law.

Section 52.

No State appropriations authorized under this Act shall be used to continue programs currently funded entirely with Federal funds.

Section 53.

In accordance with the requirements of Article IX, Section VI, Paragraph Ia of the Constitution of the State of Georgia, as amended, there is hereby appropriated payable to each department, agency, or institution of the State sums sufficient to satisfy the payments required to be made in each year, under existing lease contracts between any department, agency, or institution of the State, and any authority created and activated at the time of the effective date of the aforesaid constitutional provision, as amended, or appropriated for the State fiscal year addressed within this Act. If for any reason any of the sums herein provided under any other provision of this Act are insufficient to make the required payments in full, there shall be taken from other funds appropriated to the department, agency or institution involved, an amount sufficient to satisfy such deficiency in full and the lease payment constitutes a first charge on all such appropriations.

Section 54.

(a.) All expenditures and appropriations made and authorized under this Act shall be according to the programs and activities as specified in the Governor's recommendations contained in the Budget Report submitted to the General Assembly at the 1998 Regular Session, except as provided, however, the Director of the Budget is authorized to make internal transfers within a budget unit between objects, programs and activities subject to the conditions that no funds whatsoever shall be transferred for use in initiating or commencing any new program or activity not currently having an appropriation of State funds, nor which would require operating funds or capital outlay funds beyond the fiscal year to which this Appropriation Act applies; and provided, further, that no funds whatsoever shall be transferred between object classes without the prior approval of at least eleven members of the Fiscal Affairs Subcommittees in a meeting called to consider said transfers. This Section shall apply to all funds of each budget unit from whatever source derived. The State Auditor shall make an annual report to the Appropriations Committees of the Senate and House of Representatives of all instances revealed in his audit in which the expenditures by object class of any department, bureau, board, commission, institution or other agency of this State are in violation of this Section or in violation of any amendments properly approved by the Director of the Budget.

(b.) (1.) For purposes of this Section, the term "common object classes" shall include only Personal Services, Regular Operating Expenses, Travel, Motor Vehicle Equipment Purchases, Postage, Equipment Purchases, Computer Charges, Real Estate Rentals and Telecommunications.

(b.) (2.) For each Budget Unit's common object classes in this Act, the appropriations shall be as follows: Expenditures of no more than 102% of the stated amount for each common object class are authorized. However, the total expenditure for the group may not exceed the sum of the stated amounts for the separate object classes of the group.

(b.) (3.) It is the further intent of the General Assembly that this principle shall be applied as well when common object class amounts are properly amended in the administration of the annual operating budget.

Section 55.

Wherever in this Act the terms "Budget Unit Object Classes" or "Combined Object Classes For Section" are used, it shall mean that the object classification following such term shall apply to the total expenditures within the Budget Unit or combination of budget units within a designated section, respectively, and shall supersede the object classification shown in the Governor's Budget Report.

For budget units within the Legislative Branch, all transfers shall require prior approval of at least eight members of the Legislative Services Committee in a meeting of such Committee, except that no approval shall be required for transfers within the Senate Functional Budget or the House Functional Budget.

Section 56.

There is hereby appropriated a specific sum of Federal grant funds, said specific sum being equal to the total of the Federal grant funds available in excess of the amounts of such funds appropriated in the foregoing sections of this Act, for the purpose of supplanting appropriated State funds, which State funds shall thereupon be unavailable for expenditure unless re-appropriated by the Georgia General Assembly. This provision shall not apply to project grant funds not appropriated in this Act.

Section 57. Provisions Relative to Section 37,

State of Georgia General Obligation Debt Sinking Fund.

The debt-service amounts listed below are hereby appropriated for debt service on new issues of general obligation bonds, the principal amount of which shall not exceed those listed thereby, to be used for projects and purposes listed thereby.

	<u>Principal Amount</u>	<u>Debt Service</u>
A.) Maturities not to exceed two hundred forty months.		
Planning and design of Phase IV of the World Congress Center	\$ 10,530,000	\$ 900,315
Low interest loans to local governments for water, sewer and wastewater treatment projects	20,000,000	1,710,000
Remediation, removal and replacement of underground and above ground storage tanks	5,000,000	427,500
Governor's Road Improvement Program	135,000,000	11,542,500
Department of Transportation raise dikes in two areas	6,500,000	555,750
Department of Transportation phase I of erosion protection work at Jones Oyster Bed Island	5,000,000	427,500
Department of Transportation install underdrain pipes to enhance the drying phase of the disposal areas	200,000	17,100
Rehabilitation of rail lines	3,460,000	295,830
Purchase of the Omaha to Preston rail line	2,000,000	171,000
Adult literacy centers in Union, Turner, Bryan, Dodge, Henry and		

Jeff Davis counties	2,550,000	218,025
Land acquisition and raise power lines in area 2A in the Savannah harbor	5,700,000	487,350
Georgia Agricultural Exposition Au- thority South Gate development	935,000	79,943
Georgia Agricultural Exposition Au- thority multipurpose agricultural complex/exhibit and office complex	7,967,000	681,178
Georgia Agricultural Exposition Au- thority roadway improvements and upgrades	1,000,000	85,500
Construction of a new 150-bed youth development center in Muscogee County	15,000,000	1,282,500
Road improvements in Paulding County	1,600,000	136,800
State portion of the Alabama to Stone Mountain Path program	1,000,000	85,500
Atlanta, Cartersville and Canton com- muter rail line (planning)	4,000,000	342,000
Repairs at the Atlanta Farmers' Mar- ket	2,000,000	171,000
B.) Maturities not to exceed sixty months.		
Feasibility study and project design to deepen the Savannah River channel	4,140,000	956,340
Feasibility study and project design phase to deepen the Brunswick channel	1,500,000	346,500
Welcome center in Laurens County	200,000	46,200
Bulk cargo ship vacuum system for the Georgia Ports Authority at Colonel's Island	1,000,000	231,000
Planning and design of the Bainbridge Welcome Center	175,000	40,425
Equipment for new and modified voca- tional high school laboratories	6,146,000	1,419,726

Section 58. TOTAL STATE FUND AP-
PROPRIATIONS

State Fiscal Year 1998

\$ 12,380,991,546

Section 59.

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

Section 60.

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

Section 2.

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

Section 3.

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

On the adoption of the substitute, the yeas were 34, nays 1, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
Y Balfour	N Guhl	N Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
N Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	EX Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
N Glanton	Y Oliver	Y Walker
EX Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 5.

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

Senator Hooks of the 14th moved that HB 1167 be immediately transmitted to the House.

On the motion, the yeas were 38, nays 0; the motion prevailed, and HB 1167 was immediately transmitted.

The following communication was received by the Secretary:

February 12, 1998

Mr. President:

I voted my machine and looked up and realized it had not registered on the board. I wish my vote to be recorded as "yes" on HB 1167.

/s/Cheeks of the 23rd

The following resolution was read and adopted:

SR 618. By Senators James of the 35th, Fort of the 39th, Stokes of the 43rd and others:

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A resolution recognizing and commending African American entrepreneurs in the State of Georgia.

Senators Johnson of the 2nd and James of the 35th introduced a group representing African American Entrepreneurs, commended by SR 618.

Senator Ralston of the 51st introduced representatives from the Apple Growers and the Apple Queen, commended by SR 570, adopted previously. Janice Smith addressed the Senate briefly.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1350. By Representatives Ray of the 128th, Royal of the 164th, Hudson of the 156th and others:

A bill to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide for an exemption for fruit or nut trees grown in this state and remaining in the possession of a producer of fruit or nuts, trees grown in this state for sale as Christmas trees and remaining in the possession of the producer, etc.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

Senator Dean of the 31st moved that Senator Gillis of the 20th be excused. On the motion, the yeas were 40, nays 0; the motion prevailed, and Senator Gillis was excused.

Senator Dean of the 31st moved that Senator Cheeks of the 23rd be excused. On the motion, the yeas were 38, nays 0; the motion prevailed, and Senator Cheeks was excused.

The Calendar was resumed.

SB 431. By Senators Marable of the 52nd, Dean of the 31st, Madden of the 47th and others:

A bill to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for a short title; to provide for legislative findings; to provide definitions; to require health insurers to provide coverage for a minimum of inpatient care following a mastectomy or lymph node dissection; to provide for coverage by insurers of postmastectomy and postlymph node dissection care.

The Senate Health and Human Services Committee offered the following substitute to SB 431:

A BILL

To be entitled an Act to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide for a short title; to provide for legislative findings; to provide definitions; to require health insurers to provide coverage for a minimum of inpatient care following a mastectomy or lymph node dissection; to

provide for coverage by insurers of postmastectomy and postlymph node dissection care; to require that certain information be provided; to provide for regulations to be issued by the Commissioner of Insurance; to provide for notice to policyholders; to prohibit certain actions by insurers; to provide for applicability; to provide for adjustment of current contracts; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding at the end a new article to read as follows:

“ARTICLE 3

33-24-70.

This article shall be known and may be cited as the ‘Breast Cancer Patient Care Act.’

33-24-71.

The General Assembly finds and declares that:

- (1) Whereas, until recently health care insurers covered costs of hospital stays of a patient who had undergone a mastectomy or lymph node dissection until that patient was discharged by a physician. Now some insurers are making mastectomies and lymph node dissections an outpatient procedure and refusing to pay for any hospital inpatient care following the procedure;
- (2) There is sufficient scientific data to question the safety and appropriateness of such treatment of breast cancer patients; and
- (3) The length of postmastectomy or postlymph node dissection inpatient stay should be a clinical decision made by a physician based on the unique characteristics of the patient and the surgery involved.

33-24-72.

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

- (1) ‘Attending provider’ means a person licensed to practice medicine pursuant to Chapter 34 of Title 43.
- (2) ‘Health benefit policy’ means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state, including, but not limited to, those contracts executed by the State of Georgia on behalf of indigents and on behalf of state employees under Article 1 of Chapter 18 of Title 45, by a health care corporation, health maintenance organization, preferred provider organization, accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, or other insurer or similar entity.
- (3) ‘Insurer’ means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, managed care plan other than a dental plan, or any similar entity authorized to issue contracts under this title and also means any state program funded under Title XIX of the federal Social Security Act, 42 U.S.C.A. Section 1396 et seq., and any other publicly funded state health care program.

(4) 'Lymph node dissection' means the removal of a part of the lymph node system under the arm using general anesthesia as part of a diagnostic process that is used to evaluate the spread of cancer and to determine the need for further treatment.

(5) 'Mastectomy' means surgical removal of one or both breasts.

(b) Every health benefit policy that provides surgical benefits for mastectomies that is delivered, issued, executed, or renewed in this state or approved for issuance or renewal in this state by the Commissioner on or after July 1, 1998, shall provide coverage in a licensed health care facility for a length of stay determined to be medically appropriate for the patient as determined by the attending provider in consultation with the patient, provided that coverage is not less than 48 hours of inpatient care following a simple mastectomy and 72 hours of inpatient care following a modified radical mastectomy.

(c) Every health benefit policy that provides surgical benefits for lymph node dissection that is delivered, issued, executed, or renewed in this state or approved for issuance or renewal in this state by the Commissioner on or after July 1, 1998, shall provide coverage in a licensed health care facility for a length of stay determined to be medically appropriate for the patient as determined by the attending provider in consultation with the patient, provided that such coverage is not less than 24 hours of inpatient care following the lymph node dissection.

(d) Any decision to shorten the length of stay to less than that provided under subsection (b) or (c) of this Code section shall be made by the attending provider after conferring with the breast cancer patient.

(e) If an attending provider discharges a simple mastectomy patient in less than 48 hours, a modified radical mastectomy patient in less than 72 hours, or a lymph node dissection patient in less than 24 hours, coverage shall be provided for up to two follow-up visits, provided that the first such visit shall occur within 48 hours of discharge. Such visits shall be conducted by a physician, a physician's assistant, or a registered professional nurse with experience and training in postsurgical care. After conferring with the mastectomy patient, the health care provider shall determine whether the initial visit will be conducted at the patient's home or at the health care provider's office. Thereafter, the health care provider shall confer with the patient and determine whether a second visit is appropriate, and, if appropriate, where such visit shall be conducted. If no early discharge occurs, coverage shall be provided for follow-up visits which are medically necessary as determined by the attending provider.

(f) Prior to discharge from the health care facility, an attending provider shall inform the mastectomy or lymph node dissection patient of all community and hospital based programs, agencies, or institutions which provide assistance to breast cancer victims who need physical assistance or psychological and emotional counseling.

(g) The Commissioner shall adopt rules and regulations necessary to implement the provisions of this Code section.

(h) Every insurer shall provide notice to policyholders regarding the coverage required by this Code section and any rules and regulations promulgated by the Commissioner relating to this Code section. The notice shall be in writing and prominently positioned in any of the following literature:

- (1) The next mailing to the policyholder;
- (2) The yearly informational packets sent to the policyholder; or
- (3) Other literature mailed before January 1, 1999.

(i) No insurer covered under this Code section shall deselect, terminate the services of, require additional utilization review, reduce capitation payment, or otherwise penalize an attending provider or other health care provider who orders care consistent with the provisions of this Code section. For purposes of this subsection, the term 'health care provider' shall be defined to include the attending provider and hospital.

33-24-73.

All contracts relating to the provision of health care services in effect on July 1, 1998, shall be appropriately adjusted to reflect any change in services provided as required by this article.

33-24-74.

The provisions of this article shall not be construed to apply to or in any way affect the provisions of the federal Employee's Retirement Income Security Act."

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

Senators Johnson of the 1st, Cheeks of the 23rd, Glanton of the 34th and others offered the following amendment:

Amend SB 431 Committee Substitute: Page 1, line 5 delete "provide" and insert the words "make available"

Page 3, line 5, delete "provide" and insert the words "make available as a part of the policy or as an optional endorsement to the policy"

Page 3, line 17, delete "provide" and insert the words "make available as a part of the policy or as an optional endorsement to the policy"

Page 3, line 32, delete "provided" and insert the words "made available"

Page 3, line 44, delete "provided" and insert the words "made available"

Page 4, line 13, delete "required" and insert the words "made available"

Page 4, line 33, delete "provided" and insert the words "made available"

On the adoption of the amendment, Senator Marable of the 52nd called for the yeas and nays.

The call was sustained, and the vote was as follows:

N	Abernathy	N	Dean	N	James
Y	Balfour	Y	Egan	N	Johnson,D
Y	Blitch	N	Fort	Y	Johnson,E
Y	Boshears	EX	Gillis	N	Kemp
Y	Bowen	Y	Glanton	Y	Lamutt
Y	Broun, 46th	EX	Gochenour	Y	Land
N	Brown, 26th	N	Griffin	Y	Langford
Y	Brush	Y	Guhl	N	Madden
Y	Burton	Y	Harbison	N	Marable
Y	Cagle	N	Henson	N	Middleton
EX	Cheeks	Y	Hill	N	Oliver
Y	Clay	Y	Hooks		Perdue (PRS)
Y	Crotts	Y	Huggins		

Y Price,R	N Scott	Y Thomas,D
Y Price,T	N Starr	EX Thomas,N
N Ragan	N Stokes	Y Thompson
Y Ralston	Y Streat	Y Turner
Y Ray	N Tanksley	Y Tysinger
Y Roberts	N Taylor	N Walker

On the adoption of the amendment, the yeas were 31, nays 20, and the Johnson of the 1st, et al. amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 48, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	EX Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
EX Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Perdue (PRS)	

On the passage of the bill, the yeas were 51, nays 0.

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

Senator Walker of the 22nd moved that the Senate adjourn until 9:00 A.M. tomorrow; the motion prevailed, and at 1:12 P.M., Senator Perdue of the 18th, President Pro Tempore, announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Friday, February 13, 1998
Twentieth Legislative Day

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The Senate met pursuant to adjournment at 9:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1597. By Representative Channell of the 111th:

A bill to provide a new charter for the City of Woodville.

HB 1598. By Representative Channell of the 111th:

A bill to create the Green County Family Connection Commission.

HB 1601. By Representative Channell of the 111th:

A bill to amend an Act creating a new charter for the City of Union Point, so as to change the corporate limits of said city.

HB 1605. By Representatives Stallings of the 100th and West of the 101st:

A bill to amend an Act establishing a city court in the City of Carrollton (later renamed the Carroll County State Court), so as to change provisions relating to the terms of court.

HB 1608. By Representatives Day of the 153rd, Stephens of the 150th, Thomas of the 148th and others:

A bill to provide a homestead exemption from certain Chatham County and City of Savannah school district ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of the homestead of certain residents of that school district.

HB 1609. By Representatives Roberts of the 162nd, Everett of the 163rd and Dukes of the 161st:

A bill to amend an Act creating a new charter for the City of Albany, so as to provide for staggered terms of office of four years for the mayor and city commissioners.

HB 1610. By Representatives Bates of the 179th and Ponder of the 160th:

A bill to amend an Act creating the Board of Commissioners of Decatur County, so as to change the compensation of the chairperson, vice chairperson, and members of said board.

HB 1611. By Representatives Bates of the 179th and Ponder of the 160th:

A bill to amend an Act creating the State Court of Decatur County, as as to change the compensation to be paid to the judge and the solicitor of such court.

HB 1612. By Representatives Roberts of the 162nd, Everett of the 163rd and Dukes of the 161st:

A bill creating the Small Claims Court of Dougherty County, now the Magistrate Court of Dougherty County, so as to provide for a chief magistrate and not more than three additional full-time magistrates.

HB 1613. By Representatives Roberts of the 162nd, Everett of the 163rd and Dukes of the 161st:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Dougherty County.

HB 1615. By Representatives Roberts of the 162nd and Everett of the 163rd:

A bill to amend an Act placing certain county officers of Dougherty County upon an annual salary, so as to provide for the salary of the judge of probate court.

HB 1460. By Representatives Floyd of the 138th, Reaves of the 178th, Purcell of the 147th and others:

A bill to amend Code Section 4-6-52 of the Official Code of Georgia Annotated, relating to special sales of livestock, so as to exempt Georgia 4-H clubs and Georgia Future Farmers of America chapters from certain bonding requirements.

HB 1520. By Representatives Royal of the 164th, Buck of the 135th, Rogers of the 20th and others:

A bill to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the sales tax for educational purposes, so as to provide for the enactment of a distribution formula by local Act.

HB 1364. By Representatives Stancil of the 16th, Pinholster of the 15th, Irvin of the 45th and others:

A bill to amend Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated, relating to local government budgets and audits, so as to provide for certification of certain grants; to provide for powers, duties, and authority of the state auditor with respect to the foregoing.

HB 1290. By Representatives Hecht of the 97th, Martin of the 47th, Campbell of the 42nd and others:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for payment of actual expenses of judges or associate judges attending training seminars.

HB 1535. By Representatives Buck of the 135th, Crawford of the 129th, Royal of the 164th and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide additional conditions under which certain property shall not acquire a situs in this state for ad valorem tax pur-

poses; to provide that certain property ownership or conducting of business shall not constitute activities subject to state income tax.

HB 873. By Representatives Irvin of the 45th and Williams of the 83rd:

A bill to amend Article 1 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions regarding ethics in government so as to prohibit mass mailings of certain official communications by state elected executive officers 60 days prior to a primary or election at which they are candidates.

The House has adopted by the requisite constitutional majority the following resolutions of the House and Senate:

HR 996. By Representatives Birdsong of the 123rd, Murphy of the 18th, Walker of the 141st and others:

A resolution commending Pete Wheeler and providing for the designation of the "Pete Wheeler Georgia War Veterans Memorial Complex"

HR 1004. By Representative Jones of the 71st:

A resolution declaring the State of Georgia and the Ivory Coast to be sister states.

SR 251. By Senator Thomas of the 54th:

A resolution recognizing and commending George W. Ross and designating the "George W. Ross Highway"

The House has disagreed to the Senate substitute to the following bill of the House:

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

The following bills were introduced, read the first time and referred to committees:

SB 625. By Senators Johnson of the 1st and Johnson of the 2nd:

A bill to create the City of Pooler Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility of promotion of tourism, trade, and conventions for Pooler, Georgia; to authorize the authority to acquire, construct, improve, equip, alter, repair, operate, and maintain public projects in Pooler, Georgia.

Referred to Committee on State and Local Governmental Operations.

SB 626. By Senator Langford of the 29th:

A bill to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to property tax exemptions, so as to provide for a homestead exemption from all ad valorem taxation in this state in an amount equal to the amount of the assessed value of that homestead for the taxable year immediately preceding the taxable year in which that exemption is first granted to a resident for certain residents of each county.

Referred to Committee on Finance and Public Utilities.

SB 627. By Senator Ralston of the 51st:

A bill to amend an Act entitled "An Act creating the office of Commissioner of Roads and Revenues of Fannin County," now known as the Board of Commissioners of Fannin County, as amended, so as to change the provisions relating to the appointment of county officials and employees; to provide an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 628. By Senator Ralston of the 51st:

A bill to amend an Act entitled "An Act to provide for a board of registrations and elections for Fannin County" so as to change the terms of the members; to provide that the board shall be responsible for the employment of poll workers; to provide an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 629. By Senators Fort of the 39th, James of the 35th, Griffin of the 25th and Brown of the 26th:

A bill to amend Chapter 4 of Title 34 of the Official Code of Georgia Annotated, the "Georgia Minimum Wage Law," so as to increase the minimum wage to the federal poverty level; to provide for intent; to provide for annual adjustments of the minimum wage.

Referred to Committee on Insurance and Labor.

SB 630. By Senators Turner of the 8th, Land of the 16th, Perdue of the 18th and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to merge the provisions of Chapter 3 thereof, relating to municipal elections and primaries, into the provisions of Chapter 2 thereof, relating to elections and primaries generally; to delete certain provisions rendered superfluous by the foregoing; to amend the Official Code of Georgia Annotated to correct certain cross-references; to provide for related matters; to provide an effective date.

Referred to Committee on State and Local Governmental Operations (General).

SB 631. By Senator James of the 35th:

A bill to amend Code Section 19-7-3 of the Official Code of Georgia Annotated, relating to original actions for visitation or intervention by grandparents, so as to change provisions relating to the right of a grandparent to file an original action for visitation rights to a minor child.

Referred to Committee on Judiciary.

SB 632. By Senator James of the 35th:

A bill to amend Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to postsecondary education, so as to provide for a uniform admission system applicable to each public college or university in this state for first-time freshmen students; to provide for the automatic admission of certain

students; to provide factors to be considered by a public college or university in making an admissions decision.

Referred to Committee on Higher Education.

SR 627. By Senators Johnson of the 1st and Johnson of the 2nd:

A resolution authorizing the granting of an easement for operation and maintenance of a food service operation upon certain limiting conditions during the balance of the term of that River Yacht Club Marina in, on, over, under, and upon a certain tract of property owned by the State of Georgia in Chatham County, Georgia.

Referred to Committee on Finance and Public Utilities.

SR 632. By Senators Fort of the 39th, Middleton of the 50th, Scott of the 36th and Brown of the 26th:

A resolution creating the Senate Study Committee on Public Education Disciplinary Reform.

Referred to Committee on Rules.

SR 633. By Senators Fort of the 39th, Henson of the 55th and Middleton of the 50th:

A resolution creating the Senate Study Committee on Municipal Law Enforcement Employment.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 873. By Representatives Irvin of the 45th and Williams of the 83rd:

A bill to amend Article 1 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions regarding ethics in government, so as to prohibit mass mailings of certain official communications by state elected executive officers 60 days prior to a primary or election at which they are candidates.

Referred to Committee on State and Local Governmental Operations (General).

HB 1290. By Representatives Hecht of the 97th, Martin of the 47th, Campbell of the 42nd and Davis of the 60th:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for payment of actual expenses of judges or associate judges attending training seminars.

Referred to Committee on Judiciary.

HB 1350. By Representatives Ray of the 128th, Royal of the 164th, Hudson of the 156th and others:

A bill to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide for an exemption for fruit or nut trees grown in this state and remaining in the possession of a producer of fruit or nuts, trees grown in this state for sale as Christmas trees and remaining in the possession of the producer, etc..

Referred to Committee on Finance and Public Utilities.

HB 1364. By Representatives Stancil of the 16th, Pinholster of the 15th, Irvin of the 45th and others:

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A bill to amend Article 1 of Chapter 81 of Title 36 of the Official Code of Georgia Annotated, relating to local government budgets and audits, so as to provide for certification of certain grants; to provide for powers, duties, and authority of the state auditor with respect to the foregoing.

Referred to Committee on State and Local Governmental Operations (General).

HB 1460. By Representatives Floyd of the 138th, Reaves of the 178th, Purcell of the 147th and others:

A bill to amend Code Section 4-6-52 of the Official Code of Georgia Annotated, relating to special sales of livestock, so as to exempt Georgia 4-H clubs and Georgia Future Farmers of America chapters from certain bonding requirements.

Referred to Committee on Agriculture.

HB 1520. By Representatives Royal of the 164th, Buck of the 135th, Rogers of the 20th and others:

A bill to amend Part 2 of Article 3 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to the sales tax for educational purposes, so as to provide for the enactment of a distribution formula by local Act.

Referred to Committee on Finance and Public Utilities.

HB 1535. By Representatives Buck of the 135th, Crawford of the 129th, Royal of the 164th and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide additional conditions under which certain property shall not acquire a situs in this state for ad valorem tax purposes; to provide that certain property ownership or conducting of business shall not constitute activities subject to state income tax.

Referred to Committee on Finance and Public Utilities.

HB 1597. By Representative Channell of the 111th:

A bill to provide a new charter for the City of Woodville.

Referred to Committee on State and Local Governmental Operations.

HB 1598. By Representative Channell of the 111th:

A bill to create the Green County Family Connection Commission.

Referred to Committee on State and Local Governmental Operations.

HB 1601. By Representative Channell of the 111th:

A bill to amend an Act creating a new charter for the City of Union Point, so as to change the corporate limits of said city.

Referred to Committee on State and Local Governmental Operations.

HB 1605. By Representatives Stallings of the 100th and West of the 101st:

A bill to amend an Act establishing a city court in the City of Carrollton (later renamed the Carroll County State Court), so as to change provisions relating to the terms of court.

Referred to Committee on State and Local Governmental Operations.

HB 1608. By Representatives Day of the 153rd, Stephens of the 150th, Thomas of the 148th and others:

A bill to provide a homestead exemption from certain Chatham County and City of Savannah school district ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of the homestead of certain residents of that school district.

Referred to Committee on State and Local Governmental Operations.

HB 1609. By Representatives Roberts of the 162nd, Everett of the 163rd and Dukes of the 161st:

A bill to amend an Act creating a new charter for the City of Albany, so as to provide for staggered terms of office of four years for the mayor and city commissioners.

Referred to Committee on State and Local Governmental Operations.

HB 1610. By Representatives Bates of the 179th and Ponder of the 160th:

A bill to amend an Act creating the Board of Commissioners of Decatur County, so as to change the compensation of the chairperson, vice chairperson, and members of said board.

Referred to Committee on State and Local Governmental Operations.

HB 1611. By Representatives Bates of the 179th and Ponder of the 160th:

A bill to amend an Act creating the State Court of Decatur County, as as to change the compensation to be paid to the judge and the solicitor of such court.

Referred to Committee on State and Local Governmental Operations.

HB 1612. By Representatives Roberts of the 162nd, Everett of the 163rd and Dukes of the 161st:

A bill creating the Small Claims Court of Dougherty County, now the Magistrate Court of Dougherty County, so as to provide for a chief magistrate and not more than three additional full-time magistrates.

Referred to Committee on State and Local Governmental Operations.

HB 1613. By Representatives Roberts of the 162nd, Everett of the 163rd and Dukes of the 161st:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Dougherty County.

Referred to Committee on State and Local Governmental Operations.

HB 1615. By Representatives Roberts of the 162nd and Everett of the 163rd:

A bill to amend an Act placing certain county officers of Dougherty County upon an annual salary, so as to provide for the salary of the judge of probate court.

Referred to Committee on State and Local Governmental Operations.

HR 996. By Representatives Birdsong of the 123rd, Murphy of the 18th, Walker of the 141st and others:

A resolution commending Pete Wheeler and providing for the designation of the "Pete Wheeler Georgia War Veterans Memorial Complex"

Referred to Committee on Defense and Veterans Affairs.

HR 1004. By Representative Jones of the 71st:

A resolution declaring the State of Georgia and the Ivory Coast to be sister states.

Referred to Committee on Interstate Cooperation.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 474. Do pass by substitute.	HB 1175. Do pass.
HB 1098. Do pass.	HB 1424. Do pass.
HB 1145. Do pass.	HR 778. Do pass.
HB 1174. Do pass.	

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 560. Do pass.	HB 1252. Do pass by substitute.
HB 1158. Do pass.	

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Higher Education has had under consideration the following bill and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 587. Do pass.	HB 1201. Do pass.
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Respectfully submitted,

Senator Hill of the 4th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 540. Do pass by substitute.	HB 1154. Do pass.
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Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President: www.libtool.com.cn

The Committee on Public Safety has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 586. Do pass.

HB 1270. Do pass.

Respectfully submitted,

Senator Bowen of the 13th District, Chairman

The following bills were read the second time:

SB 440	SB 445	SB 477	SB 535	SB 565	SB 573
SB 593	HB 1199	HB 1307	HB 1419		

Senator Dean of the 31st moved that Senator Thompson of the 33rd be excused. On the motion, the yeas were 29, nays 1; the motion prevailed, and Senator Thompson was excused.

The President called for the morning roll call, and the following Senators answered to their names:

Balfour	Guhl	Price,R
Blicht	Henson	Price,T
Boshears	Hill	Ragan
Bowen	Hooks	Ralston
Broun, 46th	Huggins	Ray
Brown, 26th	James	Roberts
Burton	Johnson,D	Scott
Cagle	Johnson,E	Starr
Cheeks	Lamutt	Stokes
Dean	Land	Streat
Egan	Langford	Tanksley
Fort	Madden	Thomas,D
Gillis	Marable	Turner
Gochenour	Middleton	Tysinger
Griffin	Perdue	

Those not answering were:

Abernathy	Glanton	Taylor
Brush	Harbison	Thomas,N
Clay	Kemp	Thompson (excused)
Crotts	Oliver	Walker

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Stokes of the 43rd introduced the chaplain of the day, Pastor Collette Gunby of Green Pastures Christian Ministries, Decatur, Georgia, who offered scripture reading and prayer.

The following bill was taken up to consider House action thereto:

HB 1167 By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

Senator Hooks of the 14th moved that the Senate insist on its substitute to HB 1167.

On the motion, the yeas were 32, nays 0; the motion prevailed, and the Senate insisted on its substitute to HB 1167

The following resolutions were read and adopted:

SR 628. By Senators Johnson of the 1st, Johnson of the 2nd, Kemp of the 3rd and Boshears of the 6th:

A resolution commending the Bird Islands Citizens Advisory Committee and the staff of the Department of Natural Resources Nongame and Endangered Species program.

SR 630. By Senator Perdue of the 18th:

A resolution commending Georgia Association, Future Homemakers of America and recognizing Monday, February 16, 1998, as Celebrate Families Day in the State of Georgia.

SR 631. By Senator Perdue of the 18th:

A resolution commending Mr. Jackie Holder.

SR 634. By Senator James of the 35th:

A resolution honoring the Reverend Jimmie Terrell Alexander.

Senator Gillis of the 20th moved that the following resolution be withdrawn from the Committee on Natural Resources and committed to the Committee on Rules:

SR 616. By Senators Gillis of the 20th, Starr of the 44th, Broun of the 46th and others:

A resolution commending certain local, regional, state, and national governmental entities and associations for their efforts to improve records management practices and preservation in this state.

On the motion, the yeas were 31, nays 0; the motion prevailed, and SR 616 was committed to the Committee on Rules.

SENATE RULES CALENDAR

Friday, February 13, 1998

TWENTIETH LEGISLATIVE DAY

HB 1349	Retail installment contract; prepayment; acquisition cost (C Aff-55th) Floyd-138th
SB 432	Minimum Wage-amount, incremental adjustments (Amendment) (I&L-25th)
SB 570	Murder of Certified Peace Officer-provide for offense (Amendment)(Corr-20th)
SB 569	Music Hall of Fame Authority-membership (EDT&CA-31st)

- HB 1164 Serious violent felony conviction; deny first offender treatment (Judy-12th) Walker-141st
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- HB 1165 Crime victims; restitution; require by certain offenders (Judy-12th) Walker-141st
- HB 1189 Ad valorem tax; certain property; preferential treatment (F&PU-18th) Walker-141st
- HB 1353 Business expansions; allocation and apportionment formula (F&PU-22nd) Walker-141st
- SB 186 Insurance-prohibit discriminatory acts against abuse victims (Substitute)(I&L-43rd)

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

The following general bills were read the third time and put upon their passage:

HB 1349. By Representative Floyd of the 138th:

A bill to amend Code Section 10-1-3 of the Official Code of Georgia Annotated, relating to requirements for retail installment contracts, limitations, and prepayment, so as to raise the amount of the acquisition cost allowed to the retailer when prepayment is made.

Senate Sponsor: Henson of the 55th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
	Cheeks		Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	EX	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis		Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 49, nays 0.

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

Senator Madden of the 47th moved that Senator Ragan of the 11th be excused. On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Ragan was excused.

The Calendar was resumed.

SB 432. By Senators Griffin of the 25th, James of the 35th, Walker of the 22nd and others:

A bill to amend Code Section 34-4-3 of the Official Code of Georgia Annotated, relating to the amount of the minimum wage; to provide for incremental adjustments of the minimum wage.

Senator Griffin of the 25th offered the following amendment:

Amend SB 432 by striking the word "incremental" on line 4 of page 1.

By striking line 13 of page 1 and inserting in lieu thereof the following:

"(a)(1) Except Effective July 1, 1998, except as"

By striking the amount "\$3.72" on line 17 of page 1 and inserting in lieu thereof the amount "\$5.15"

By striking lines 19 through 30 on page 1.

By striking line 31 on page 1 and inserting in lieu thereof the following:

"(2) On July 1, 1998, and each year thereafter, the"

By striking the year "2000" on line 4 of page 2 and inserting in lieu thereof the year "1998"

By renumbering paragraphs (5) and (6) on lines 4 and 9 of page 2 as paragraphs (3) and (4), respectively.

On the adoption of the amendment, the yeas were 26, nays 6, and the Griffin amendment was adopted.

Senators Balfour of the 9th, Cagle of the 49th, and Gochenour of the 27th offered the following amendment:

Amend SB 432 by striking lines 3 and 4 on page 1 and inserting in lieu thereof the following:

"paid by employers, so as to abolish the Georgia minimum wage; to".

By striking lines 13 through 33 on page 1 and lines 1 through 11 on page 2 and inserting in lieu thereof the following:

"(a) ~~Except as otherwise provided in this Code section, every employer, whether a person, firm, or corporation, shall pay to all covered employees a minimum wage which shall be not less than \$3.25 per hour for each hour worked in the employment of such employer~~ Reserved."

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Bowen	Y	Burton
Y	Balfour	Y	Broun, 46th	Y	Cagle
N	Blitch	N	Brown, 26th		Cheeks
N	Boshears	Y	Brush	Y	Clay

Y Crotts	N Johnson,D	Y Ray
N Dean	Y Johnson,E	N Roberts
N Egan	Kemp	N Scott
N Fort	Y Lamutt	N Starr
N Gillis	Y Land	N Stokes
Y Glanton	N Langford	N Streat
Y Gochenour	N Madden	N Tanksley
N Griffin	N Marable	N Taylor
Y Guhl	N Middleton	Y Thomas,D
N Harbison	N Oliver	N Thomas,N
N Henson	N Perdue	N Thompson
N Hill	Y Price,R	N Turner
N Hooks	Y Price,T	Y Tysinger
N Huggins	EX Ragan	N Walker
N James	Y Ralston	

On the adoption of the amendment, the yeas were 19, nays 34, and the Balfour, et al. amendment was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blitch	Y Harbison	EX Ragan
Y Boshears	Y Henson	N Ralston
N Bowen	N Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
Y Brown, 26th	N Huggins	Y Scott
N Brush	Y James	N Starr
N Burton	Y Johnson,D	Y Stokes
N Cagle	N Johnson,E	N Streat
N Cheeks	Kemp	N Tanksley
N Clay	N Lamutt	Y Taylor
N Crotts	N Land	N Thomas,D
N Dean	Y Langford	Y Thomas,N
N Egan	N Madden	Y Thompson
Y Fort	N Marable	N Turner
N Gillis	Y Middleton	N Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	N Perdue	

On the passage of the bill, the yeas were 19, nays 35.

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

Senator Griffin of the 25th gave notice that, at the proper time, he would move that the Senate reconsider its action in defeating SB 432.

The following communication was received by the Secretary:

February 13, 1998

TO: Mr. Frank Eldridge
Secretary of the Senate

FROM: Senator Steve Thompson

As you know I was excused this morning and arrived in time to vote on the minimum wage measure. Unfortunately, I thought we were on an amendment when I voted green and would like you to note on the journal that I would have voted against final passage as it was worded.

Thank you very much for your help.

The following resolution was read and adopted:

SR 629. By Senators Henson of the 55th, Harbison of the 15th, Dean of the 31st and others:

A resolution honoring Mr. Moses Hurt.

Senator Henson of the 55th introduced Moses Hurt, commended by SR 629, and his family. Mr. Hunt addressed the Senate briefly.

Senator Dean of the 31st introduced the Paulding County Chamber of Commerce representatives, commended by SR 569, adopted previously, who addressed the Senate briefly.

Senator Harbison of the 15th introduced representatives from the Dogwood Chapter of Women Marines, commended by SR 582, adopted previously. Ms. Edson addressed the the Senate briefly.

The Calendar was resumed.

SB 570. By Senators Gillis of the 20th, Dean of the 31st, Bowen of the 13th and others:

A bill to amend Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to crimes against the person, so as to provide for the offense of the murder of a certified peace officer; to provide for an effective date and applicability.

The Senate Committee on Corrections, Correctional Institutions and Property offered the following amendment:

Amend SB 570 by striking line 3 of page 1 and inserting in lieu thereof of the following:

“as to provide for the punishment of a person convicted of murdering a certified”

By striking lines 21 through 27 of page 1 and inserting in lieu thereof the following:

“(b) A person convicted of the offense of murder of a certified peace officer while engaged in his or her official duties shall be punished by death or by”

On the adoption of the amendment, the yeas were 37, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Broun, 46th	Y Cheeks
Y Balfour	Y Brown, 26th	Y Clay
Y Blitch	Y Brush	Y Crotts
Y Boshears	Y Burton	Y Dean
Y Bowen	Cagle	Egan

Y Fort	Kemp	Y Roberts
Y Gillis	Y Lamutt	Y Scott
Y Glanton	Y Land	Starr
Y Gochenour	Y Langford	Y Stokes
Y Griffin	Y Madden	Y Streat
Y Guhl	Y Marable	Y Tanksley
Y Harbison	Y Middleton	Y Taylor
Henson	Y Oliver	Y Thomas,D
Y Hill	Y Perdue	Y Thomas,N
Y Hooks	Y Price,R	Y Thompson
Y Huggins	Y Price,T	Y Turner
Y James	EX Ragan	Y Tysinger
Y Johnson,D	Y Ralston	Y Walker
Y Johnson,E	Y Ray	

On the passage of the bill, the yeas were 49, nays 0.

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

SB 569. By Senators Dean of the 31st, Brown of the 26th and Marable of the 52nd:

A bill to amend Part 10 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Georgia Music Hall of Fame Authority, and Article 1 of Chapter 8 of Title 50, relating to general provisions governing the Department of Community Affairs, so as to eliminate the current members of the Georgia Music Hall of Fame Authority and make the membership of the Board of Community Affairs the members of the Authority.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	EX Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 0.

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

Senator Ray of the 48th introduced the doctor of the day, Dr. James Majors of Lawrenceville, Georgia.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House insists on its position in disagreeing to the Senate substitute and has appointed a Committee of Conference on the part of the House to confer with a like committee on the part of the Senate on the following bill of the House:

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

The Speaker has appointed on the part of the House, Representatives Coleman of the 142nd, Walker of the 141st and Buck of the 135th.

The following bill was taken up to consider House action thereon:

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

Senator Hooks of the 14th moved that the Senate adhere to its substitute to HB 1167 and that a Conference Committee be appointed.

On the motion, the yeas were 43, nays 0; the motion prevailed, and the President appointed as a Committee of Conference on the part of the Senate the following Senators: Hooks of the 14th, Perdue of the 18th and Walker of the 22nd.

The Calendar was resumed.

HB 1164. By Representatives Walker of the 141st, Martin of the 47th, Murphy of the 18th and others:

A bill to provide that persons who have been found to have committed a serious violent felony shall not be afforded first offender treatment; to provide for legislative findings; to amend Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to procedures for sentencing and imposition of punishment, so as to provide that provisions relating to probation of first offenders shall not be available to any person upon a verdict or plea of guilty to a serious violent felony.

Senate Sponsor: Taylor of the 12th.

Senators Land of the 16th, Ralston of the 51st and Clay of the 37th offered the following amendment:

Amend HB 1164 by adding on line 11 of page 1 between the semicolon and the words "to amend" the following:

“to provide that any person sentenced to imprisonment other than a sentence of life imprisonment for the first conviction or any subsequent conviction of any serious felony committed on or after the effective date of this Act shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served 90 percent of the sentence imposed by the sentencing court; to provide that any person sentenced to imprisonment for life for the first conviction or any subsequent conviction of any serious felony committed on or after the effective date of this Act shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served a minimum of 14 years in prison; to provide for exceptions and for the applicability of other provisions of law; to provide that the term of imprisonment to which a person is sentenced for a serious felony committed after the effective date of this Act shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections; to define a certain term;”

By adding between lines 36 and 37 on page 2 a new Section 2.1 to read as follows:

“SECTION 2.1.

Said article is further amended by adding between Code Sections 17-10-6.1 and 17-10-7 a new Code Section 17-10-6.2 to read as follows:

‘17-10-6.2.

(a) As used in this Code section, the term “serious felony” means any felony which constitutes:

- (1) Criminal attempt to commit murder, as defined in Code Sections 16-4-1 and 16-5-1;
- (2) Voluntary manslaughter, as defined in Code Section 16-5-2;
- (3) Involuntary manslaughter, as defined in Code Section 16-5-3;
- (4) Aggravated assault, as defined in subsection (a) of Code Section 16-5-21, when a weapon is used in the commission of the crime and an injury occurs;
- (5) Aggravated assault against a peace officer or correctional officer, as defined in subsection (c) of Code Section 16-5-21;
- (6) Aggravated battery, as defined in subsection (a) of Code Section 16-5-24;
- (7) Aggravated battery against a peace officer or correctional officer, as defined in subsection (c) of Code Section 16-5-24;
- (8) Hijacking a motor vehicle, as defined in Code Section 16-5-44.1;
- (9) Cruelty to children, as defined in Code Section 16-5-70;
- (10) Feticide, as defined in Code Section 16-5-80;
- (11) Aggravated stalking, as defined in Code Section 16-5-91;
- (12) Criminal attempt to commit rape, as defined in Code Sections 16-4-1 and 16-6-1;
- (13) Statutory rape, as defined in Code Section 16-6-3;
- (14) Child molestation, as defined in subsection (a) of Code Section 16-6-4;
- (15) Enticing a child for indecent purposes, as defined in Code Section 16-6-5;
- (16) Incest, as defined in Code Section 16-6-22;
- (17) Burglary of the dwelling of another, as defined in Code Section 16-7-1;

(18) Robbery, as defined in Code Section 16-8-40;

(19) ~~Bus or rail vehicle hijacking~~, as defined in Code Section 16-12-123; or

(20) Homicide by vehicle in the first degree, as defined in Code Section 40-6-393, when at the time of the commission of the crime such offender was an habitual violator as defined in Code Section 40-5-58 or was driving under the influence of alcohol, drugs, or any other intoxicating substance in violation of Code Section 40-6-391.

(b) Notwithstanding any other provisions of law to the contrary, except as otherwise provided in subsection (c) of Code Section 17-10-7, any person sentenced to imprisonment for the first conviction or any subsequent conviction of any serious felony committed on or after the effective date of this Code section shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served 90 percent of the sentence imposed by the sentencing court; provided, however, that, except as otherwise provided in subsection (c) of Code Section 17-10-7, any person sentenced to imprisonment for life for the first conviction or any subsequent conviction of any serious felony committed on or after the effective date of this Code section shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served a minimum of 14 years in prison. The term of imprisonment to which a person is sentenced for a serious felony committed on or after the effective date of this Code section shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.”

Senator Taylor of the 12th moved that HB 1164 be placed on the Table.

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

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blitch	Y Harbison	EX Ragan
N Boshears	Y Henson	N Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	N Roberts
Y Brown, 26th	Y Huggins	Y Scott
N Brush	James	Starr
N Burton	Y Johnson,D	Y Stokes
N Cagle	N Johnson,E	Y Streat
Y Cheeks	Kemp	N Tanksley
N Clay	N Lamutt	Y Taylor
N Crotts	N Land	N Thomas,D
Y Dean	Y Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	N Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Y Perdue	

On the motion, the yeas were 30, nays 22; the motion prevailed, and HB 1164 was placed on the Table.

HB 1165. By Representatives Walker of the 141st, Martin of the 47th, Murphy of the 18th and others:

A bill to amend Article 1 of Chapter 14 of Title 17 of the Official Code of Georgia Annotated, relating to restitution to crime victims, so as to provide that adult offenders convicted of offenses involving theft and damage to property be required to make restitution to victims who are not otherwise reimbursed or compensated.

Senate Sponsor: Taylor of the 12th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	EX Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

The following resolution was taken up to consider House action thereto:

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A resolution proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection.

The House substitute was as follows:

A RESOLUTION

Proposing an amendment to the Constitution so as to provide that the General Assembly shall have the authority and the duty to limit by law the powers of the State Board of Pardons and Paroles, so that persons convicted of crimes to be specified by the General Assembly which are committed on or after July 1, 1999, shall be rendered ineligible for parole and may be rendered ineligible for any or all other forms of executive clem-

ency; to provide for submission of this amendment for ratification or rejection; and for other purposes.

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BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article IV, Section II, Paragraph II of the Constitution is amended by inserting at the end thereof a new subparagraph (f) to read as follows:

“(f) The General Assembly shall have the authority and the duty, beginning in the 1999 regular session of the General Assembly, to limit by law the powers of the State Board of Pardons and Paroles, so that persons convicted of crimes to be specified by the General Assembly which are committed on or after July 1, 1999, shall be rendered ineligible for parole and may be rendered ineligible for any or all other forms of executive clemency. The mandatory sentencing authority provided for in this subparagraph shall be in addition to mandatory sentencing already provided by law, and existing mandatory sentencing laws shall not be abated by the adoption of this subparagraph.”

SECTION 2.

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 be amended so as to provide that the General Assembly shall have the authority and the duty to limit by law the powers of the State Board of Pardons and Paroles, so that persons convicted of crimes to be specified by the General Assembly which are committed on or after July 1, 1999, shall be rendered ineligible for parole and may be rendered ineligible for any or all other forms of executive clemency?”
- () NO

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 and shall take effect as provided in Article X, Section I, Paragraph VI of the Constitution.

Senator Perdue of the 18th moved that the Senate agree to the House substitute to SR 463.

Senators Gochenour of the 27th and Guhl of the 45th offered the following amendment: Amend the House substitute to SR 463 by striking lines 1 through 10 on page 1 and inserting in lieu thereof the following:

“Proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted of crimes after January 1, 1999; to provide for submission of this amendment for ratification or rejection; and for other purposes.”

By striking lines 16 through 28 on page 1 and inserting in lieu thereof the following:

“(f) The authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles, to commute penalties, to remove disabilities by law, and to remit

any part of a sentence for any offense against the state after conviction shall be abolished for all persons convicted of crimes on or after January 1, 1999.”

By striking lines 1 through 10 on page 2 and inserting in lieu thereof the following:

- “() YES Shall the Constitution be amended so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons and paroles for persons convicted of crimes on or after January 1, 1999?”
- () NO

Senator Gochenour of the 27th moved that the Senate agree to the House substitute as amended by the Senate.

On the motion, which takes precedence, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blitch	N	Harbison	EX	Ragan
Y	Boshears	N	Henson	Y	Ralston
N	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks		Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	N	James	N	Starr
Y	Burton	N	Johnson,D		Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks		Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	N	Taylor
N	Crotts	N	Land	Y	Thomas,D
N	Dean	N	Langford		Thomas,N
N	Egan	N	Madden	N	Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	N	Tysinger
N	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the motion by Senator Gochenour of the 27th to agree to the House substitute as amended by the Senate, the yeas were 16, nays 35, and the motion was lost.

Senators Land of the 16th and Crotts of the 17th offered the following amendment:

Amend the House substitute to SR 463 by striking lines 1, 2, and 3 on page 1 and inserting in lieu thereof the following:

“Proposing an amendment to the Constitution so as to provide that any person sentenced to imprisonment other than a sentence of life imprisonment for the first conviction or any subsequent conviction of any of certain serious felonies shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served 90 percent of the sentence imposed by the sentencing court; to provide that any person sentenced to imprisonment for life for the first conviction or any subsequent conviction of any of certain serious felonies shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served a minimum of 14 years in prison; to prohibit any sentence-reducing measures with respect to such serious felonies; to authorize the General Assembly to change the application of such restrictions and limita-

tions with respect to certain serious felonies; to provide that the General Assembly shall have the authority to limit by law the powers of the State Board of

By striking lines 13 through 15 on page 1 and inserting the following:

“Article IV, Section II, Paragraph II of the Constitution is amended by redesignating subparagraphs (d) and (e) as subparagraphs (e) and (f), respectively, and inserting a new subparagraph (d) to read as follows:

“(d)(1) Except as otherwise provided in subparagraphs (b), (c), and (f) of this Paragraph and general laws enacted by the General Assembly pursuant to the authority of such subparagraphs, any person sentenced to imprisonment for the first conviction or any subsequent conviction of any of the following felonies as defined by general law committed on or after January 1, 1999, shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served 90 percent of the sentence imposed by the sentencing court: criminal attempt to commit murder, voluntary manslaughter, involuntary manslaughter, aggravated assault, aggravated assault against a peace officer or correctional officer, aggravated battery, aggravated battery against a peace officer or correctional officer, hijacking a motor vehicle, cruelty to children, feticide, aggravated stalking, criminal attempt to commit rape, statutory rape, child molestation, enticing a child for indecent purposes, incest, burglary of the dwelling of another, robbery, bus or rail vehicle hijacking, or homicide by vehicle in the first degree; provided, however, that unless otherwise provided by general law, any person sentenced to imprisonment for life for the first conviction or any subsequent conviction of any felony listed in this subparagraph committed on or after January 1, 1999, shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served a minimum of 14 years in prison. The term of imprisonment to which a person is sentenced for a serious felony committed on or after January 1, 1999, shall not be reduced by any earned time, early release, work release, leave, or other sentence-reducing measures under programs administered by the Department of Corrections.

(2) The General Assembly may by general law approved by two-thirds of the members elected to the General Assembly in a roll-call vote remove any crime listed in subparagraph (1) of this subparagraph from the limitations and restrictions provided in such subparagraph and may provide for additional crimes to be subject to such limitations and restrictions on parole and sentence reduction.’

SECTION 2.

Said Article IV, Section II, Paragraph II of the Constitution is amended by inserting at the end thereof a new subparagraph (g) to read as follows:”

By striking from line 16 of page 1 the following:

“(f),

and inserting in lieu thereof the following:

“(g)”

By striking from line 29 of page 1 the following:

“SECTION 2.”,

and inserting in lieu thereof the following:

“SECTION 3.”

By adding at the end of line 1 of page 2 the following:

“provide that persons sentenced to imprisonment for certain serious crimes shall not be eligible for any form of parole or early release administered by the State Board of Pardons and Paroles until such person has served 90 percent of the sentence imposed and to”

By striking from line 3 of page 2 the words:

“and the duty”

Senator Land of the 16th moved that the Senate agree to the House substitute as amended by the Senate.

On the motion, which takes precedence, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
	Blitch	N	Harbison	EX	Ragan
Y	Boshears	N	Henson	Y	Ralston
N	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks		Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	N	James	N	Starr
Y	Burton	N	Johnson,D		Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks		Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	N	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
N	Dean	N	Langford		Thomas,N
Y	Egan	N	Madden	N	Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	Y	Tysinger
Y	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the motion by Senator Land of the 16th to agree to the House substitute as amended by the Senate, the yeas were 21, nays 29, and the motion was lost.

Senator Langford of the 29th offered the following amendment:

Amend the House substitute to SR 463 by striking on page one, line 17, “1999” and replacing it with “1998”

Senator Langford of the 29th moved that the Senate agree to the House substitute as amended by the Senate.

On the motion, which takes precedence, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Cagle	N	Glanton
N	Balfour	Y	Cheeks	N	Gochenour
	Blitch	N	Clay	N	Griffin
N	Boshears	N	Crotts	N	Guhl
N	Bowen	N	Dean	N	Harbison
N	Broun, 46th	N	Egan	N	Henson
N	Brown, 26th	N	Fort	N	Hill
Y	Brush	N	Gillis	N	Hooks
N	Burton			N	Huggins

N James	N Oliver	Stokes
N Johnson,D	N Perdue	N Streat
N Johnson,E	N Price,R	N Tanksley
Kemp	N Price,T	N Taylor
N Lamutt	EX Ragan	N Thomas,D
N Land	N Ralston	Thomas,N
Y Langford	N Ray	N Thompson
N Madden	Roberts	N Turner
N Marable	N Scott	N Tysinger
N Middleton	N Starr	N Walker

On the motion by Senator Langford of the 29th to agree to the House substitute as amended by the Senate, the yeas were 3, nays 47, and the motion was lost.

On the motion by Senator Perdue of the 18th to agree to the House substitute, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blitch	Y Harbison	EX Ragan
N Boshears	Y Henson	N Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	N Roberts
N Brown, 26th	Y Huggins	Y Scott
N Brush	Y James	Y Starr
N Burton	Y Johnson,D	Y Stokes
N Cagle	N Johnson,E	Y Streat
Y Cheeks	Kemp	N Tanksley
N Clay	N Lamutt	Y Taylor
N Crotts	N Land	N Thomas,D
Y Dean	N Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
N Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	N Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Y Perdue	

On the motion by Senator Perdue of the 18th to agree to the House substitute, the yeas were 29, nays 25, and the motion was lost.

Senator Perdue of the 18th moved that the Senate disagree to the House substitute to SR 463.

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

Y Abernathy	Y Cheeks	Y Griffin
N Balfour	N Clay	N Guhl
Y Blitch	N Crotts	Y Harbison
Y Boshears	Y Dean	Henson
Y Bowen	N Egan	Y Hill
N Broun, 46th	N Fort	Y Hooks
Y Brown, 26th	Gillis	Y Huggins
Y Brush	N Glanton	James
Y Burton	N Gochenour	Y Johnson,D
N Cagle		N Johnson,E

	Kemp	N	Price,R	Y	Streat
N	Lamutt	N	Price,T	N	Tanksley
Y	Land	EX	Ragan	Y	Taylor
Y	Langford	Y	Ralston	N	Thomas,D
Y	Madden	N	Ray	Y	Thomas,N
Y	Marable	N	Roberts	Y	Thompson
Y	Middleton	Y	Scott		Turner
Y	Oliver	Y	Starr	N	Tysinger
Y	Perdue	Y	Stokes	Y	Walker

On the motion, the yeas were 31, nays 19; the motion prevailed, and the Senate disagreed to the House substitute to SR 463.

At 12:10 P.M., Senator Walker of the 22nd moved that, pursuant to HR 810, the Senate stand in recess until 5:00 P.M., and at that time adjourn until 10:00 A.M. Monday, February 16; the motion prevailed.

At 5:00 P.M. the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Monday, February 16, 1998
Twenty-first Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of Friday, February 13, 1998 proceedings had been read and found correct.

Senator Griffin of the 25th moved that the Senate reconsider its action in defeating the following bill:

SB 432. By Senators Griffin of the 25th, James of the 35th, Walker of the 22nd and others:

A bill to amend Code Section 34-4-3 of the Official Code of Georgia Annotated, relating to the amount of the minimum wage; to provide for incremental adjustments of the minimum wage.

On the motion to reconsider, the yeas were 14, nays 32; the motion lost, and SB 432 was not reconsidered.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1614. By Representatives Roberts of the 162nd, Everett of the 163rd, Dukes of the 161st and others:

A bill to amend an Act creating the Chehaw Park Authority, so as to change the provisions relating to the membership of the authority.

HB 1618. By Representative Barnard of the 154th:

A bill to amend an Act providing a new charter for the City of Hagan, so as to provide for staggered terms of office for the mayor and city council.

HB 1619. By Representative Sims of the 167th:

A bill to amend an Act creating a new charter for the City of Douglas, so as to provide for four-year terms of office for the mayor and city commissioners.

HB 1624. By Representatives Mills of the 21st, Smith of the 19th, Tolbert of the 25th and others:

A bill to provide a homestead exemption from Hall County School District ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding \$12,000.00 and who are 62 years of age or over.

HB 1632. By Representative Floyd of the 138th:

A bill to provide a homestead exemption from certain Crisp County a valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead of certain residents of that county.

HB 1368. By Representatives Reichert of the 126th and Crawford of the 129th:

A bill to amend Code Section 48-3-21.1 of the Official Code of Georgia Annotated, relating to statute of limitations provisions for the enforcement of executions issued for ad valorem taxes in amounts less than \$1.00, so as to increase the threshold amount to \$5.00.

HB 1219. By Representatives Royal of the 164th, McKinney of the 51st, Jones of the 71st and others:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to authorize the investment of certain reserve fund in additional investments.

HB 1440. By Representatives Sauder of the 29th, Channell of the 111th, Walker of the 141st and others:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to prevent certain errors from constituting abuse; to change the provisions regarding seizure of property subject to such forfeiture and provide for bonding requirements.

HB 1266. By Representatives Cooper of the 31st, Jenkins of the 110th, Poag of the 6th and others:

A bill to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to enact the "Disaster Volunteer Leave Act"

HB 1365. By Representatives Royal of the 164th, Buck of the 135th, Walker of the 141st and others:

A bill to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to specify additional circumstances under which certain penalties shall not apply.

HB 1337. By Representative Stancil of the 91st:

A bill to amend Code Section 8-2-26 of the Official Code of Georgia Annotated relating to the enforcement of state minimum standard building codes, so as to change the provisions relating to the requirement that certain information be printed on county and municipal building permits.

HB 1304. By Representative Hudgens of the 24th:

A bill to amend Code Section 32-6-75 of the Official Code of Georgia Annotated, relating to restrictions on outdoor advertising which is otherwise authorized by Code Sections 32-6-72 and 32-6-73, so as to change the provisions relating to signage near a public park, public playground, public recreation area, public forest, scenic area, or cemetery.

HB 1412. By Representative McKinney of the 51st:

A bill to amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to rename certain county boards of health and departments of health as county boards of public health and wellness and county departments of public health and wellness, respectively, and provide for continued powers and duties.

SB 326. By Senator Perdue of the 18th:

A bill to amend Code Section 47-2-221 of the Official Code of Georgia Annotated, relating to disability benefits payable to certain law enforcement officers disabled in the line of duty, so as to provide for such disability benefits for certain employees of the State Board of Pardons and Paroles and the Department of Corrections; to provide conditions for an effective date and automatic repeal.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 842. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A resolution urging the Georgia Congressional delegation and the United States Department of Agriculture to increase existing funds for the control, management, and eradication of the red imported fire ant.

HR 843. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A resolution urging the Georgia Congressional delegation and the United States Department of Agriculture to increase existing funding for the research and eradication of the Tomato Spotted Wild Virus in Georgia.

HR 935. By Representatives Barnes of the 33rd, Manning of the 32nd, Grindley of the 35th and others:

A resolution authorizing the conveyance of certain state owned real property located in Cobb County.

HR 829. By Representatives Lucas of the 124th, Reichert of the 126th, Randall of the 127th and others:

A resolution authorizing the conveyance of certain state owned real property located in Bibb County.

HR 1075. By Representatives Mills of the 21st, Crews of the 78th, Mann of the 5th and others:

A resolution recognizing efforts to commemorate the Great Jubilee Year of 2000 and celebrate the 2000th Anniversary of the Birth of Jesus Christ.

The following bills were introduced, read the first time and referred to committees:

SB 633. By Senators Ralston of the 51st, Johnson of the 1st and Roberts of the 30th:

A bill to amend Chapter 1 of Title 1 of the Official Code of Georgia Annotated, relating to general provisions, so as to provide that persons who are ordered to perform community service shall perform the required number of hours of such service exclusive of time spent in traveling to or from the place of work.

Referred to Committee on Judiciary.

SB 634. By Senator Ralston of the 51st:

A bill to amend Part 1 of Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to general provisions relative to privileged testimony, so as to provide that the privilege of communications between an attorney and a client shall include communications between a client and an attorney for another party to an action as to a matter of common interest.

Referred to Committee on Judiciary.

SB 635. By Senators Roberts of the 30th, Ralston of the 51st, Hooks of the 14th and Walker of the 22nd:

A bill to amend Code Section 33-34-3 of the Official Code of Georgia Annotated, relating to requirements for issuance of motor vehicle liability insurance policies, so as to provide for certain policy issuance, renewal, continuation, and replacement reporting requirements; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change certain provisions relating to suspension of drivers' licenses.

Referred to Committee on Insurance and Labor.

SB 636. By Senator Langford of the 29th:

A bill to amend Code Section 51-12-1 of the Official Code of Georgia Annotated, relating to types of damages, evidence admissible in actions involving special damages, and the admissibility of evidence of compensation, benefit or other payments from collateral sources, so as to revise the provisions relating to the admissibility of evidence of compensation benefits, or other payments from collateral sources.

Referred to Committee on Judiciary.

SB 637. By Senator Langford of the 29th:

A bill to amend Article 2 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to joint tort-feasors, so as to provide for comparative negligence; to provide that damages, if any, shall be apportioned among defendants according to the fault of each defendant; to provide for applicability to provide an effective date.

Referred to Committee on Judiciary.

SB 638. By Senators Perdue of the 18th, Clay of the 37th and Hooks of the 14th:

A bill to amend Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to sovereign immunity and claims against the state, so as to provide for a reservation of sovereign immunity with respect to failure of computer systems to properly recognize or process dates in the year 2000 or later; to provide for applicability to state and local government; to provide for the meaning of terms.

Referred to Committee on Judiciary.

SB 639. By Senator Fort of the 39th:

A bill to amend Code Section 10-1-310 of the Official Code of Georgia Annotated, relating to ticket scalping, so as to provide for a \$3.00 limitation on service charges for the sale of any ticket of admission to any entertainment event.

Referred to Committee on Consumer Affairs.

SB 640. By Senator Langford of the 29th:

A bill to amend Chapter 11 of Title 9 and Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to civil practice and witnesses, respectively, so as to provide for the qualifications of an expert for purposes of an affidavit accompanying the complaint or for testimony as an expert in an action alleging professional malpractice.

Referred to Committee on Judiciary.

SB 641. By Senator Thompson of the 33rd:

A bill to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain provisions relating to powers and duties of the department of transportation; to change certain provisions relating to powers of a municipality; to provide an effective date.

Referred to Committee on Transportation.

SB 642. By Senator Starr of the 44th:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated, relating to apportionment of the Senate and qualifications of its members, so as to change the composition of certain Senate districts; to provide for applicability.

Referred to Committee on Reapportionment.

SR 635. By Senators Starr of the 44th and Oliver of the 42nd:

A resolution authorizing the conveyance of certain property located in DeKalb County and owned by the State of Georgia and the Georgia Building Authority (Hospital).

Referred to Committee on Finance and Public Utilities.

SR 638. By Senators Oliver of the 42nd and Scott of the 36th:

A resolution authorizing the lease of certain state owned real property located in Fulton County, Georgia; to provide an effective date.

Referred to Committee on Finance and Public Utilities.

SR 639. By Senator Middleton of the 50th:

A resolution honoring Tommy Irvin and designating a portion of Georgia Highway 365 as the "Tommy Irvin Parkway"

Referred to Committee on Transportation.

The following bills were read the first time and referred to committees:

IB 1219. By Representatives Royal of the 164th, McKinney of the 51st, Jones of the 71st and Teper of the 61st:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to authorize the investment of certain reserve funds in additional investments.

Referred to Committee on Finance and Public Utilities.

HB 1266. By Representatives Cooper of the 31st, Jenkins of the 110th, Poag of the 6th and others:

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A bill to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to enact the "Disaster Volunteer Leave Act"

Referred to Committee on Public Safety.

HB 1304. By Representative Hudgens of the 24th:

A bill to amend Code Section 32-6-75 of the Official Code of Georgia Annotated, relating to restrictions on outdoor advertising which is otherwise authorized by Code Sections 32-6-72 and 32-6-73, so as to change the provision relating to signage near a public park, public playground, public recreational area, public forest, scenic area, or cemetery.

Referred to Committee on Transportation.

HB 1337. By Representative Stancil of the 91st:

A bill to amend Code Section 8-2-26 of the Official Code of Georgia Annotated relating to the enforcement of state minimum standard building codes, so as to change the provisions relating to the requirement that certain information be printed on county and municipal building permits.

Referred to Committee on Science, Technology and Industry.

HB 1365. By Representatives Royal of the 164th, Buck of the 135th, Walker of the 141st and others:

A bill to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to specify additional circumstances under which certain penalties shall not apply.

Referred to Committee on Finance and Public Utilities.

HB 1368. By Representatives Reichert of the 126th and Crawford of the 129th:

A bill to amend Code Section 48-3-21.1 of the Official Code of Georgia Annotated, relating to statute of limitations provisions for the enforcement of executions issued for ad valorem taxes in amounts less than \$1.00, so as to increase the threshold amount to \$5.00.

Referred to Committee on Finance and Public Utilities.

HB 1412. By Representative McKinney of the 51st:

A bill to amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to rename certain county boards of health and departments of health as county boards of public health and wellness and county departments of public health and wellness, respectively, and provide for continued powers and duties.

Referred to Committee on Health and Human Services.

HB 1440. By Representatives Sauder of the 29th, Channell of the 111th, Walker of the 141st and others:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to prevent certain errors from constituting abuse; to change the provisions regarding

seizure of property subject to such forfeiture and provide for bonding requirements.

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Referred to Committee on Health and Human Services.

HB 1614. By Representatives Roberts of the 162nd and Everett of the 163rd:

A bill to amend an Act creating the Chehaw Park Authority, so as to change the provisions relating to the membership of the authority.

Referred to Committee on State and Local Governmental Operations.

HB 1618. By Representative Barnard of the 154th:

A bill to amend an Act providing a new charter for the City of Hagan, so as to provide for staggered terms of office for the mayor and city council.

Referred to Committee on State and Local Governmental Operations.

HB 1619. By Representative Sims of the 167th:

A bill to amend an Act creating a new charter for the City of Douglas, so as to provide for four-year terms of office for the mayor and city commissioners.

Referred to Committee on State and Local Governmental Operations.

HB 1624. By Representatives Mills of the 21st, Smith of the 19th, Tolbert of the 25th and Rogers of the 20th:

A bill to provide a homestead exemption from Hall County School District ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding \$12,000.00 and who are 62 years of age or over.

Referred to Committee on State and Local Governmental Operations.

HB 1632. By Representative Floyd of the 138th:

A bill to provide a homestead exemption from certain Crisp County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead of certain residents of that county.

Referred to Committee on State and Local Governmental Operations.

HR 829. By Representatives Lucas of the 124th, Reichert of the 126th, Randall of the 127th and Graves of the 125th:

A resolution authorizing the conveyance of certain state owned real property located in Bibb County.

Referred to Committee on Finance and Public Utilities.

HR 842. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A resolution urging the Georgia Congressional delegation and the United States Department of Agriculture to increase existing funds for the control, management, and eradication of the red imported fire ant.

Referred to Committee on Agriculture.

HR 843. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A resolution urging the Georgia Congressional delegation and the United States Department of Agriculture to increase existing funding for the research and eradication of the Tomato Spotted Wild Virus in Georgia.

Referred to Committee on Agriculture.

HR 935. By Representatives Barnes of the 33rd, Manning of the 32nd, Grindley of the 35th and others:

A resolution authorizing the conveyance of certain state owned real property located in Cobb County.

Referred to Committee on Finance and Public Utilities.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Judiciary has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 460. Do pass by substitute.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1017. Do pass.

HB 1559. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 614. Do pass.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

The following bills and resolutions were read the second time:

SB 474	SB 540	SB 560	SB 586	SR 587	HB 1098
HB 1145	HB 1154	HB 1158	HB 1174	HB 1175	HB 1201
HB 1252	HB 1270	HB 1424	HR 778		

Senator Henson of the 55th moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Stokes was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call and the following Senators answered to their names:

Balfour
Blitch

Boshears
Bowen

Broun, 46th
Brown, 26th

Brush	Henson	Price,R
Burton	Hill	Price,T
Cagle	Hooks	Ragan
Cheeks	Huggins	Ralston
Clay	James	Ray
Crotts	Johnson,D	Roberts
Dean	Johnson,E	Scott
Egan	Kemp	Streat
Fort	Lamutt	Tanksley
Gillis	Land	Taylor
Glanton	Langford	Thomas,D
Gochenour	Madden	Thompson
Griffin	Marable	Turner
Guhl	Middleton	Tysinger
Harbison	Oliver	

Those not answering were:

Abernathy	Starr	Thomas,N
Perdue(PRS)	Stokes (excused)	Walker

Senator Oliver of the 42nd led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Oliver of the 42nd introduced the chaplain of the day, Dr. William E. Flippin, pastor of Greater Piney Grove Baptist Church, Atlanta, Georgia, who offered scripture reading and prayer.

Senator Bowen of the 13th introduced representatives from Crisp County, Cordele, Georgia, and the Watermelon Queen, Marci Dwozan, commended by SR 623 and SR 625, adopted previously.

The following resolution was read and adopted:

SR 636. By Senators Harbison of the 15th, Johnson of the 2nd, James of the 35th and others:

A resolution recognizing Alpha Kappa Alpha Sorority, Inc., on the occasion of its 90th anniversary and commending Dr. Lucretia Payton-Stewart.

Senator Harbison of the 15th introduced Alpha Kappa Alpha Sorority representatives, commended by SR 636.

Senator Land of the 16th introduced the doctor of the day, Dr. John Bucholtz, of Columbus, Georgia.

The following resolutions were read and adopted:

SR 637. By Senators Harbison of the 15th and Land of the 16th:

A resolution recognizing and commending Jason Jones.

SR 640. By Senator Thompson of the 33rd:

A resolution commending Joseph Burton Butler.

SR 641. By Senators Hill of the 4th, Perdue of the 18th, Gillis of the 20th and others:

A resolution paying tribute to Joseph E. Kennedy.

SR 642. By Senator Boshears of the 6th:

A resolution recognizing the late Mr. Charles Hicks.

HR 1075. By Representatives Mills of the 21st, Crews of the 78th, Mann of the 5th and others:

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A resolution recognizing efforts to commemorate the Great Jubilee Year 2000 and celebrate the 2000th Anniversary of the Birth of Jesus Christ.

The following local, uncontested bills of the Senate, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Monday, February 16, 1998
TWENTY-FIRST LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1017 Madden, 47th
MADISON COUNTY

A bill to amend an Act establishing the board of commissioners of Madison County, so as to eliminate a provision relating to mandatory retirement of county employees.

HB 1559 Land, 16th
MARION COUNTY

A bill to change the compensation of the members of the Marion County Board of Education.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

	Abernathy		Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears		Henson	Y	Ralston
	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
	Brown, 26th	Y	Huggins	Y	Scott
	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	EX	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks		Kemp		Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue(PRS)		

On the passage of the local bills, the yeas were 46, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

NOTICE OF MOTION TO RECONSIDER:

SB 432 Minimum Wage-amount, incremental adjustments (Amendment) (I&L-25th)

SENATE RULES CALENDAR

Monday, February 16, 1998

TWENTY-FIRST LEGISLATIVE DAY

- HB 1189 Ad valorem tax; certain property; preferential treatment (F&PU-51st)
Walker-141st
- HB 1353 Business expansions; allocation and apportionment formula (F&PU-22nd) Walker-141st
- SB 186 Insurance-prohibit discriminatory acts against abuse victims (Substitute)(I&L-43rd)
- SB 595 Mutual Insurers-relating to mergers, policyholder approval (F&PU-42nd)
- HB 1419 Georgia Sports Hall of Fame; amend provisions (EDT&CA-31st)
Walker-141st
- SB 523 District Attorneys-appoint one assistant to prosecute certain cases (Substitute)(S Judy-12th)
- SB 541 Probate Courts-jurisdiction over trust issues (Judy-51st)
- SB 485 County Officers', Employees' Health Plans-election of plans (SLGO-G-20th)
- SB 573 Zoning Procedures-redefine zoning decision (Amendment) (SLGO-G-48th)
- SB 572 911 System-revision of plan for implementing state-wide system (Substitute)(F&PU-47th)
- SB 542 Insurance Commissioner-certain filings public records, financial statements (I&L-45th)
- SB 594 Essential Rural Health Care Provider Access Act-provide (Substitute)(H&HS-50th)
- SB 544 Electronic Warehouse Receipt Providers-change provisions (Ag-11th)

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

HB 1189. By Representatives Walker of the 141st, Skipper of the 137th, Royal of the 164th and others:

A bill to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to ad valorem taxation of property, so as to provide for the approval and filing of applications for preferential or current use assessment of tangible real property devoted to agricultural use, bona fide conservation use property, and bona fide residential transitional property.

Senate Sponsor: Senator Ralston of the 51st.

Senators Ralston of the 51st and Perdue of the 18th offered the following amendment: Amend HB 1189 by adding preceding the quotation mark on line 25 of page 2 the following:

“As to property approved for preferential assessment prior to July 1, 1998, the county board of tax assessors shall file copies of all approved applications in the office of the clerk of the superior court not later than August 14, 1998, and the clerk shall file, index, and record such approved applications, as provided for in this subsection, with the fee of the clerk of the superior court for filing, indexing, and recording to be paid out of the general funds of the county.”

On the adoption of the amendment, the yeas were 34, nays 0, and the Ralston, Perdue amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blicht	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush		James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour		Perdue (PRS)		

On the passage of the bill, the yeas were 52, nays 0.

The bill, having received the requisite constitutional majority, was passed as amended. The President assumed the Chair.

HB 1353. By Representatives Walker of the 141st, Buck of the 135th, Sauder of the 29th and others:

A bill to amend Code Section 48-7-31 of the Official Code of Georgia Annotated, relating to taxation of corporations and allocation and apportionment of income, so as to authorize the state revenue commissioner to enter into an agreement with the taxpayer to establish an allocation and apportionment formula under certain conditions.

Senate Sponsor: Senator Walker of the 22nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	N James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 53, nays 1.

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

SB 186. By Senators Stokes of the 43rd, Henson of the 55th and Oliver of the 42nd:

A bill to amend Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to unfair trade practices in the insurance industry, so as to prohibit discriminatory acts against victims of abuse; to define what constitutes abuse and define other terms; to specify prohibited acts; to require continuation of coverage and conversion privileges under certain circumstances.

The President dropped SB 186 to the bottom of the Calendar as the sponsor, Senator Stokes of the 43rd, was excused earlier.

SB 595. By Senators Oliver of the 42nd, Starr of the 44th, Roberts of the 30th and others:

A bill to amend Chapter 14 of Title 33 of the Official Code of Georgia Annotated, relating to domestic stock and mutual insurers, so as to change certain provisions relating to applicability of said chapter; to define certain terms; to provide for reorganization of mutual insurers and formation of mutual insurance holding companies; to provide for mergers of mutual insurers or other en-

tities with mutual insurance holding companies; to provide for approval of re-organization plans or merger plans by policyholders.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 54, nays 0.

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

HB 1419. By Representatives Walker of the 141st, Lee of the 94th, Reichert of the 126th and others:

A bill to amend Article 4 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to halls of fame, by repealing Part 1, relating to the Georgia Sports Hall of Fame, in its entirety; to amend Part 12 of Article 7 of Chapter 3 of Title 12, relating to the Sports Hall of Fame Authority, so as to change the provisions relating to the membership of the authority and terms of office of members.

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Burton	Y Gillis
Y Balfour	Y Cagle	Y Glanton
Y Blitch	Cheeks	Y Gochenour
Y Boshears	Y Clay	Y Griffin
Y Bowen	Y Crotts	Y Guhl
Y Broun, 46th	Y Dean	Y Harbison
Y Brown, 26th	Y Egan	Y Henson
Y Brush	Y Fort	Y Hill

Y Hooks	Y Middleton	Y Stokes
Y Huggins	Y Oliver	Y Streat
Y James	Perdue	Y Tanksley
Y Johnson,D	Y Price,R	Y Taylor
Y Johnson,E	Y Price,T	Y Thomas,D
Y Kemp	Y Ragan	Thomas,N
Y Lamutt	Y Ralston	Y Thompson
Y Land	Y Ray	Y Turner
Langford	Y Roberts	Y Tysinger
Y Madden	Y Scott	Walker
Y Marable	Y Starr	

On the passage of the bill, the yeas were 51, nays 0.

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

SB 523. By Senators Taylor of the 12th, Bowen of the 13th, Scott of the 36th, Hill of the 4th, Kemp of the 3rd and others:

A bill to amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to prosecuting attorneys, so as to authorize the district attorney in each judicial circuit to appoint one assistant district attorney who shall prosecute as directed by the district attorney only cases involving violations of Article 2 of Chapter 13 of Title 16, known as the "Georgia Controlled Substances Act"

The Senate Committee on Special Judiciary offered the following substitute to SB 523:

A BILL

To be entitled an Act to amend Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to prosecuting attorneys, so as to provide that the district attorney in each judicial circuit shall appoint one assistant district attorney who shall prosecute as directed by the district attorney only cases involving violations of Article 2 of Chapter 13 of Title 16, known as the "Georgia Controlled Substances Act"; to provide that such assistant district attorney shall be subject to the classification, compensation, benefits, policies, and personnel related provisions of law applicable to other assistant district attorneys; to provide that each person employed as an assistant district attorney under this Act shall complete an initial training program prescribed by the Prosecuting Attorneys' Council of the State of Georgia within 12 months of such employment and such in-service training as the council shall by rule prescribe; to change the provisions relating to the duties, powers, and responsibilities of personnel employed by the district attorney; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 18 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions applicable to prosecuting attorneys, is amended by striking in its entirety subsection (b) of Code Section 15-18-14, relating to the appointment, qualifications, and compensation of assistant district attorneys, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b)(1) Subject to the provisions of this Code section, the district attorney in each judicial circuit is authorized to appoint:

(1)(A) One attorney for each superior court judge authorized for the circuit, excluding senior judges, plus one additional attorney to assist the district attorney in the performance of the duties of the district attorney's office and consistent with their constitutional and statutory duties to protect the rights of victims of crimes as now or in the future may be defined by applicable law; and

(2)(B) Subject to the availability of funding and at the option of the Department of Human Resources, at least one assistant district attorney to perform duties described specifically under Code Sections 19-11-23 and 19-11-53 and generally under Article 1 of Chapter 11 of Title 19, the 'Child Support Recovery Act,' Article 2 of Chapter 11 of Title 19, the 'Uniform Reciprocal Enforcement of Support Act,' and Article 3 of Chapter 11 of Title 19, the 'Uniform Interstate Family Support Act.' The district attorney retains the authority to appoint one or more assistant district attorneys, who shall be county employees, to perform the aforementioned statutory duties, so long as such appointments are pursuant to a contract for such services with the Department of Human Resources. Once the election to make this position a state position is made, under this statutory provision, it shall be irrevocable. Contractual funds shall be paid by the Department of Human Resources to the Department of Administrative Services in accordance with the compensation provisions of this Code section, or at the election of the appointed attorney, to the appointed attorney's judicial circuit, in accordance with the compensation provisions of that judicial circuit.

(2) Subject to the provisions of this Code section, the district attorney in each judicial circuit shall appoint one assistant district attorney who shall prosecute as directed by the district attorney only cases involving violations of Article 2 of Chapter 13 of Title 16, known as the 'Georgia Controlled Substances Act.' Such assistant district attorney shall be subject to the classification, compensation, benefits, policies, and personnel related provisions of subsections (c) through (i) of this Code section and Code Section 15-18-19. Each person employed as an assistant district attorney under this paragraph shall complete an initial training program prescribed by the Prosecuting Attorneys' Council of the State of Georgia within 12 months of such employment and such in-service training as the council shall by rule prescribe."

SECTION 2.

Said article is further amended by striking in its entirety subsection (b) of Code Section 15-18-19, relating to state paid personnel employed by the district attorney and the powers, policies, and salaries related to such personnel, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) Personnel employed by the district attorneys pursuant to this article shall have such authority, duties, powers, and responsibilities as are authorized by law or as assigned by the district attorney and shall serve at the pleasure of the district attorney, provided that any assistant district attorney appointed pursuant to paragraph (2) of subsection (b) of Code Section 15-18-14 shall prosecute as directed by the district attorney only cases involving violations of Article 2 of Chapter 13 of Title 16, known as the 'Georgia Controlled Substances Act.'"

SECTION 3.

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

On the adoption of the substitute, the yeas were 33, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

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On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 54, nays 0.

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

The President introduced "gospel singer, Hovie Lister"

The President and Senator Thompson of the 33rd introduced Harry Chapman, commended by SR 615, adopted previously, who addressed the Senate briefly.

The Calendar was resumed.

SB 541. By Senators Ralston of the 51st and Oliver of the 42nd:

A bill to amend Article 6 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jury trials and appeals in probate courts, so as to provide that probate courts shall have concurrent jurisdiction with superior courts over trust issues arising in probate court cases provided that no equitable issues or remedies are involved; to provide for related matters; to provide for an effective date and applicability.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Brush	Y Egan
Y Balfour	Y Burton	Y Fort
Y Blicht	Y Cagle	Y Gillis
Y Boshears	Y Cheeks	Y Glanton
Y Bowen	Y Clay	Y Gochenour
Y Broun, 46th	Y Crofts	Y Griffin
Y Brown, 26th	Y Dean	Y Guhl

Y Harbison	Y Madden	Y Starr
Y Henson	Y Marable	Y Stokes
Y Hill	Y Middleton	Y Streat
Y Hooks	Oliver	Y Tanksley
Y Huggins	Perdue	Y Taylor
Y James	Y Price,R	Thomas,D
Y Johnson,D	Y Price,T	Y Thomas,N
Y Johnson,E	Y Ragan	Y Thompson
Y Kemp	Y Ralston	Y Turner
Y Lamutt	Y Ray	Y Tysinger
Y Land	Y Roberts	Walker
Y Langford	Y Scott	

On the passage of the bill, the yeas were 52, nays 0.

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

SB 485. By Senators Gillis of the 20th, Huggins of the 53rd, Bowen of the 13th and others:

A bill to amend Code Section 45-18-5 of the Official Code of Georgia Annotated, relating to the county officers' and employees' health plans, so as to amend certain provisions relating to election of plans; to provide for related matters; to provide an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 55, nays 0.

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

SB 573. By Senators Ray of the 48th, Perdue of the 18th, Clay of the 37th and Price of the 28th:

A bill to amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, relating to zoning procedures, so as to change the definition of zoning decision to include the grant of a special use permit.

The Senate State and Local Governmental Operations Committee offered the following amendment:

Amend SB 573 by striking on lines 12 and 13 of page 2 the words "or nonconforming"

On the adoption of the amendment, the yeas were 39, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
N Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage on the bill, the yeas were 55, nays 1.

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

SB 572. By Senators Madden of the 47th, Perdue of the 18th, Boshears of the 6th and Scott of the 36th:

A bill to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number '911' Service Act of 1977," so as to provide for legislative findings and intent; to define certain terms; to require revision of the plan for implementing a state-wide emergency telephone number "911" system.

The Senate Committee on Finance and Public Utilities offered the following substitute to SB 572:

A BILL

To be entitled an Act to amend Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the "Georgia Emergency Telephone Number '911' Ser-

vice Act of 1977,” so as to provide for legislative findings and intent; to define certain terms; to provide for the development of guidelines, by the Department of Administrative Services, for implementing a state-wide emergency telephone number “911” system; to require a certain confirmation prior to the expansion of an emergency telephone number “911” system to provide wireless enhanced “911” service; to authorize the governing authority of a local government to impose a monthly wireless enhanced “911” charge, subject to certain conditions; to provide for billing and collection of the wireless enhanced “911” charge; to provide for the accounting and use of funds generated through a wireless enhanced “911” charge; to provide for a Joint Study Committee on Wireless Enhanced “911” Charges; to change certain references to the Telecommunications Division of the Department of Administrative Services to the Department of Administrative Services; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 4 of Article 2 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, the “Georgia Emergency Telephone Number ‘911’ Service Act of 1977,” is amended in Code Section 46-5-121, relating to legislative intent, by designating the existing text as subsection (a) and adding at the end thereof the following:

“(b) The General Assembly further finds and declares that the benefits of ‘911’ service should be widely available, regardless of whether a ‘911’ call is placed from a traditional landline telephone or from a wireless telephone. It is also in the public interest that users of wireless telephones should bear some of the cost of providing this life-saving service, as users of landline telephones currently do. It is the intent of the General Assembly to bring wireless telephone service within the scope of this part and to establish a means by which local public safety agencies may provide enhanced ‘911’ service to wireless telephone users.”

SECTION 2.

Said part is further amended in Code Section 46-5-122, relating to definitions, by striking in their entirety paragraphs (2), (3), (9), and (10) and inserting in lieu thereof new paragraphs (2), (3), and (9) through (14) to read as follows:

“(2) ~~‘Division’~~ ‘Department’ means ~~the Telecommunications Division of the Department of Administrative Services.~~

(3) ‘Emergency “911” system’ means a local telephone exchange telephone service or wireless service which facilitates the placing of calls by persons in need of emergency services to a public safety answering point by dialing the telephone number ‘911’ and under which calls to ‘911’ are answered by public safety answering points established and operated by the local government subscribing to the ‘911’ service. The term ‘emergency “911” system’ also includes ‘enhanced “911” service,’ which means an emergency telephone system that provides the caller with emergency ‘911’ system service and, in addition, directs ‘911’ calls to appropriate public safety answering points by selective routing based on the geographical location from which the call originated and provides the capability for automatic number identification and automatic location identification features.”

“(9) ‘Service supplier’ means a person or entity who provides local exchange telephone service or wireless service to a telephone subscriber.

(10) 'Telephone subscriber' means a person or entity to whom local exchange telephone service or wireless service, either residential or commercial, is provided and in return for which the person or entity is billed on a monthly basis. When the same person, business, or organization has several telephone access lines, each exchange access facility shall constitute a separate subscription. When the same person, business, or organization has several wireless telephones, each wireless telecommunications connection shall constitute a separate connection.

(11) 'Wireless enhanced "911" charge' means a contribution to the local government for the following:

(A) The costs to the local government of implementing or upgrading, and maintaining, an emergency '911' system which is capable of receiving and utilizing the following information, as it relates to '911' calls made from a wireless telecommunications connection: automatic number identification, the location of the base station or cell site which receives the '911' call, and the location of the wireless telecommunications connection;

(B) Nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier to provide the information described in subparagraph (A) of this paragraph; and

(C) Other costs which may be paid with money from the Emergency Telephone System Fund, pursuant to subsection (e) of Code Section 46-5-134.

(12) 'Wireless service' means 'commercial mobile service' as defined under Section 332(D) of the federal Telecommunications Act of 1996 (47 U.S.C. Section 157 et seq.), regulations of the Federal Communications Commission, and the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66) and includes real-time, two-way interconnected voice service which is provided over networks which utilize intelligent switching capability and offer seamless handoff to customers. The term does not include one-way signaling service, data transmission service, nonlocal radio access line service, or a private telecommunications service.

(13) 'Wireless service supplier' means a provider of wireless service.

(14) 'Wireless telecommunications connection' means any mobile station for wireless service which is assigned a number containing an area code assigned to Georgia by the North American Numbering Plan Administrator that connects a provider of wireless service to a provider of local exchange telephone service."

SECTION 3.

Said part is further amended by striking in its entirety Code Section 46-5-123, relating to the Emergency Telephone Number Committee, and inserting in lieu thereof a new Code Section 46-5-123, to read as follows:

"46-5-123.

(a) For the purposes of the development and implementation of a plan for the statewide emergency telephone number '911' system, there is created the Emergency Telephone Number Committee to be composed of the ~~director of the Telecommunications Division of the Department of Administrative Services~~ commissioner of administrative services, or his or her designee, who shall serve as chairman chairperson; the commissioner of community affairs or his or her designee; and ten other members appointed by the Governor, as follows:

(1) Three members appointed from nominees of the Georgia Municipal Association;

(2) Three members appointed from nominees of the Association County Commissioners of Georgia; and

(3) Four members who are experienced in emergency telephone systems.

(b) When appointments are made, the associations making nominations pursuant to this Code section shall submit at least three times as many nominees as positions to be filled at that time by nominees of the association.

(c) The appointed members of the committee shall serve at the pleasure of the Governor. Vacancies shall be filled in the same manner as the original appointment."

SECTION 4.

Said part is further amended by striking in its entirety Code Section 46-5-124, relating to a plan for implementing a state-wide emergency telephone number "911" system, and inserting in lieu thereof a new Code Section 46-5-124 to read as follows:

"46-5-124.

(a) ~~The division~~ department shall develop ~~a plan~~ guidelines for implementing a state-wide emergency telephone number '911' system. ~~The plan~~ guidelines shall provide for:

~~(1) The review and analysis of progress maintained by public agencies in developing emergency telephone communication requirements as required for the '911' system;~~

~~(2)~~(1) Steps of action necessary for public agencies to effect the necessary coordination, regulation, and development preliminary to a '911' system that will incorporate the requirements of each public service agency in each local government of Georgia;

~~(3)~~(2) Identification of mutual aid agreements necessary to effect the '911' system, including coordination on behalf of the State of Georgia with any federal agency to secure financial assistance or other desirable activities in connection with the receipt of funding that may be provided to communities for the planning, development, or implementation of the '911' system;

~~(4)~~(3) The coordination necessary between local governments planning or developing a '911' system and other state agencies, the Public Service Commission, all affected utility and telephone companies, wireless service suppliers, and other agencies; and

~~(5) A firm implementation schedule which will account for the progress achieved in each political subdivision and which can be reproduced in an annual report of progress, and~~

~~(6)~~(4) The establishment of actions to establish emergency telephone communications necessary to meet the requirements for each local government, including law enforcement, fire-fighting, medical, suicide prevention, rescue, or other emergency services.

(b) ~~The division~~ department shall be responsible for encouraging and promoting the planning, development, and implementation of each local '911' system plan plans. The department shall develop any necessary procedures to be followed by ~~The division shall promulgate any necessary rules, regulations, and schedules related to public agencies for implementing and coordinating such a plan~~ plans and shall ~~act as the deciding agency~~ mediate whenever disputes arise or agreements cannot be reached between the local political jurisdiction and other public agencies involving the '911' system.

(c) The department shall revise its guidelines for implementing a state-wide emergency telephone number '911' system to reflect requirements relating to wireless enhanced '911' service contained in 47 Code of Federal Regulations Section 20.18."

SECTION 5.

Said part is further amended by striking in its entirety Code Section 46-5-127, relating to approval of "911" systems by the Telecommunications Division of the Department of Administrative Services, and inserting in lieu thereof a new Code Section 46-5-127 to read as follows:

"46-5-127.

After January 1, 1978, no emergency telephone number '911' system shall be established, and no existing system shall be expanded to provide wireless enhanced '911' service, without prior approval by the division and designation in the plan written confirmation by the department that the local plan conforms to the guidelines and procedures provided for in Code Section 46-5-124."

SECTION 6.

Said part is further amended by striking in its entirety Code Section 46-5-128, relating to cooperation by public agencies, and inserting in lieu thereof a new Code Section 46-5-128, to read as follows:

"46-5-128.

All public agencies shall assist the ~~division~~ department in its efforts to carry out the intent of this part; and such agencies shall comply with the ~~plan~~ guidelines developed pursuant to Code Section 46-5-124 by furnishing a resolution of intent regarding an emergency telephone number '911' system."

SECTION 7.

Said part is further amended by striking in its entirety Code Section 46-5-129, relating to the use of a '911' emblem, and inserting in lieu thereof a new Code Section 46-5-129, to read as follows:

"46-5-129.

The ~~division shall~~ department may develop a '911' emblem which ~~shall~~ may be utilized by ~~September 20, 1980, in a manner to be prescribed by the division, on all marked vehicles used for the enforcement of traffic laws by public safety agencies participating in the a local '911' system, except for law enforcement vehicles of the Department of Public Safety and those primarily used for investigative purposes."~~

SECTION 8.

Said part is further amended by striking in its entirety Code Section 46-5-132, relating to fees charged by providers of cellular radio telecommunications services, and inserting in lieu thereof a new Code Section 46-5-132 to read as follows:

"46-5-132.

It shall be unlawful for any ~~provider of any cellular radio telecommunications services~~ wireless service supplier to assess or charge any fee for an emergency telephone call placed on a '911' emergency telephone system. The prohibition provided for in this Code section shall only apply to actual emergency telephone calls made on such system and shall not apply to nor prohibit any fee assessed or charged for the implementation or enhancement of such system."

SECTION 9.

Said part is further amended by striking in its entirety Code Section 46-5-133, relating to the authority of a local government to adopt a resolution to impose a monthly "911" charge, and inserting in lieu thereof a new Code Section 46-5-133 to read as follows:

“46-5-133.

(a) ~~Subject to the provisions of~~ subsection (b) of this Code section, the governing authority of any local government which operates or which contracts for the operation of an emergency ‘911’ system is authorized to adopt a resolution to impose a monthly ‘911’ charge upon each exchange access facility subscribed to by telephone subscribers whose exchange access lines are in the areas served or which would be served by the ‘911’ service. Subject to the provisions of subsection (b) of this Code section and of subparagraphs (a)(2)(A) and (a)(2)(B) of Code Section 46-5-134, the governing authority of any local government which operates or contracts for the operation of an emergency ‘911’ system which is capable of providing or provides enhanced ‘911’ service to persons or entities with a wireless telecommunications connection, excluding a military base, is authorized to adopt a resolution to impose a monthly wireless enhanced ‘911’ charge upon each wireless telecommunications connection subscribed to by telephone subscribers whose billing address is within the jurisdiction of the local government. Such resolution, or any amendment to such resolution, shall fix a date on which such resolution and the imposition and collection of the ‘911’ charge or wireless enhanced ‘911’ charge, as provided in the resolution, shall become effective; but provided, however, that such effective date shall be at least 120 days following the date of the adoption of such resolution or any amendment to such resolution by the local government. The ‘911’ charge must be uniform, and may not vary according to the type of exchange access facility used, and may be billed on a monthly or quarterly basis. The wireless enhanced ‘911’ charge must be uniform, not vary according to the type of wireless telecommunications connection used, and may be billed on a monthly or quarterly basis.

(b)(1) Except as provided in paragraph (2) of this subsection, no local government shall be authorized to exercise the power conferred by this Code section unless either:

(A) A majority of the voters residing in that political subdivision who vote in an election called for such purpose shall vote to authorize the implementation of this Code section. Such election shall be called and conducted as other special elections are called and conducted in such local government when requested by such local government authority. The question or questions on the ballot shall be as prescribed by the election superintendent, provided that separate questions may be posed regarding implementation of a ‘911’ charge and of an enhanced wireless ‘911’ charge; or

(B) After a public hearing held upon not less than ten days’ public notice.

(2) The provisions of paragraph (1) of this subsection shall not apply with respect to a local government if the governing authority of such local government has on or before March 7, 1988, contracted with a local exchange telephone service supplier for the purchase or operation, or both, of a local exchange telephone ‘911’ system.”

SECTION 10.

Said part is further amended by striking in its entirety Code Section 46-5-134, relating to billing of subscribers and establishment of an Emergency Telephone System Fund, and inserting in lieu thereof a new Code Section 46-5-134 to read as follows:

“46-5-134.

(a)(1) The subscriber of an exchange access facility may be billed for the monthly ‘911’ charges, if any, imposed with respect to that facility by the service supplier. Such ‘911’ charge may not exceed \$1.50 per month per exchange access facility pro-

vided to the telephone subscriber. All exchange access facilities billed to federal, state, or local governments shall be exempt from the '911' charge. Each service supplier shall, on behalf of the local government, collect the '911' charge from those telephone subscribers to whom it provides exchange telephone service in the area served by the emergency '911' system. As part of its normal monthly billing process, the service supplier shall collect the '911' charge for each month an exchange access facility is in service, and it shall list the '911' charge as a separate entry on each bill. If a service supplier receives a partial payment for a monthly bill from a telephone subscriber, the service supplier shall apply the payment against the amount the telephone subscriber owes the service supplier first.

(2) (A) If the governing authority of a local government operates or contracts for the operation of an emergency '911' system which is capable of providing or provides automatic number identification of a wireless telecommunications connection and the location of the base station or cell site which receives a '911' call from a wireless telecommunications connection, the subscriber of a wireless telecommunications connection whose billing address is within the jurisdiction of such local government may be billed for the monthly wireless enhanced '911' charges, if any, imposed with respect to that connection by the wireless service supplier. Such wireless enhanced '911' charge may not exceed the amount of the monthly '911' charge imposed upon subscribers of exchange access facilities pursuant to paragraph (1) of this subsection and, in no event, shall such wireless enhanced '911' charge exceed \$1.00 per month per wireless telecommunications connection provided to the telephone subscriber.

(B) On and after October 1, 2001, if the governing authority of a local government operates or contracts for the operation of an emergency '911' system which is capable of providing or provides automatic number identification and automatic location identification of a wireless telecommunications connection, the subscriber of a wireless telecommunications connection whose billing address is within the jurisdiction of such local government may be billed for the monthly wireless enhanced '911' charges, if any, imposed with respect to that connection by the wireless service supplier. Such wireless enhanced '911' charge may not exceed the amount of the monthly '911' charge imposed upon subscribers of exchange access facilities pursuant to paragraph (1) of this subsection and shall be imposed on a monthly basis for each wireless telecommunications connection provided to the telephone subscriber.

(C) All wireless telecommunications connections billed to federal, state, or local governments shall be exempt from the wireless enhanced '911' charge. Each wireless service supplier shall, on behalf of the local government, collect the wireless enhanced '911' charge from those telephone subscribers whose billing address is within the jurisdiction of the local government. As part of its normal billing process, the wireless service supplier shall collect the wireless enhanced '911' charge for each month a wireless telecommunications connection is in service, and it shall list the wireless enhanced '911' charge as a separate entry on each bill. If a wireless service supplier receives partial payment for a bill from a telephone subscriber, the wireless service supplier shall apply the payment against the amount the telephone subscriber owes the wireless service supplier first.

(b) Every telephone subscriber in the area served by the emergency '911' system shall be liable for the '911' and the wireless enhanced '911' charges charge imposed under this Code section until it has been paid to the service supplier. A service supplier

shall have no obligation to take any legal action to enforce the collection of the '911' or wireless enhanced '911' charge. The service supplier shall provide the governing authority within 60 days with the name and address of each subscriber who has refused to pay the '911' or wireless enhanced '911' charge after such '911' or wireless enhanced '911' charge has become due. A collection action may be initiated by the local government that imposed the charges, and reasonable costs and attorneys' fees associated with that collection action may be awarded to the local government collecting the '911' or wireless enhanced '911' charge.

(c) The local government contracting for the operation of an emergency '911' system shall remain ultimately responsible to the service supplier for all emergency '911' system installation, service, equipment, operation, and maintenance charges owed to the service supplier. Any taxes due on emergency '911' system service provided by the service supplier will be billed to the local government subscribing to the service. State and local taxes do not apply to the '911' or wireless enhanced '911' charge billed to telephone subscribers under this Code section.

(d)(1) Each service supplier that collects '911' or wireless enhanced '911' charges on behalf of the local government is entitled to retain as an administrative fee an amount equal to 3 percent of the gross '911' or wireless enhanced '911' charge receipts to be remitted to the local government. The remaining amount shall be due quarterly to the local government and shall be remitted to it no later than 60 days after the close of a calendar quarter. The '911' and the wireless enhanced '911' charges collected by the service supplier shall be deposited and accounted for in a separate restricted revenue fund known as the Emergency Telephone System Fund maintained by the local government. The local government may invest the money in the fund in the same manner that other moneys of the local government may be invested and any income earned from such investment shall be deposited into the Emergency Telephone System Fund.

(2)(A) Before July 1, 2002, 30¢ of the monthly wireless enhanced '911' charge imposed pursuant to subparagraph (a)(2)(A) of this Code section shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund, which shall be designated as the Wireless Phase I Reserve Account. Money from the Wireless Phase I Reserve Account shall be used only to pay the non-recurring and recurring installation, maintenance, service, and network charges of a wireless service supplier which are associated with providing automatic number identification of a wireless telecommunications connection and the location of the base station or cell site which receives a '911' call from a wireless telecommunications connection; provided, however, that if the local government has not, by July 1, 2002, begun operation or contracted for the operation of an emergency '911' system which is capable of providing or provides automatic location identification of a wireless telecommunications connection, the funds in the Wireless Phase I Reserve Account on July 1, 2002 shall be transferred into an appropriate unrestricted account or accounts of the Emergency Telephone System Fund and may be used for any purpose authorized under subsection (e) of this Code section. No wireless enhanced '911' charge may be imposed pursuant to subparagraph (a)(2)(B) of this Code section for a period of 24 months following the transfer of funds from the Wireless Phase I Reserve Account pursuant to this subparagraph. On and after July 1, 2002, 15¢ of the monthly wireless enhanced '911' charge imposed pursuant to subparagraph (a)(2)(A) of this Code section shall be deposited in the Wireless Phase I Reserve Account.

(B) Thirty cents of the monthly wireless enhanced '911' charge imposed pursuant to subparagraph (a)(2)(B) of this Code section shall be deposited in a separate restricted reserve account of the Emergency Telephone System Fund, which shall be designated as the Wireless Phase II Reserve Account. Money from the Wireless Phase II Reserve Account shall be used only to pay the nonrecurring and recurring installation, maintenance, service, and network charges of a wireless service supplier which are associated with providing automatic number identification and automatic location identification of a wireless telecommunications connection. Any funds which are in the Wireless Phase I Reserve Account at the time when the wireless enhanced '911' charge is first imposed pursuant to subparagraph (a)(2)(B) of this Code section shall be transferred to the Wireless Phase II Reserve Account.

(2)(3) The governing authority of a local government operating or contracting for the operation of an emergency '911' system shall, by resolution, reaffirm the necessity for the '911' and the wireless enhanced '911' charges charge beginning with the thirteenth month following the month in which emergency '911' system service is first provided in the political subdivision and during such month annually thereafter.

(3)(4) Such monthly '911' and enhanced wireless '911' charges charge may be reduced at any time by the governing authority by resolution; provided, however, that the said governing authority shall be required to reduce such monthly '911' or enhanced wireless '911' charge at any time the projected revenues from '911' or enhanced wireless '911' charges will cause the unexpended revenues in the Emergency Telephone System Fund at the end of the fiscal year to exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year or at any time the unexpended revenues in such fund at the end of the fiscal year exceed by one and one-half times the unexpended revenues in such fund at the end of the immediately preceding fiscal year. Such reduction in the '911' or wireless enhanced '911' charge shall be in an amount which will avert the accumulation of revenues in such fund at the end of the fiscal year which will exceed by one and one-half times the amount of revenues in the fund at the end of the immediately preceding fiscal year. Funds in the Wireless Phase I Reserve Account and the Wireless Phase II Account shall not be considered in making the calculations described in this paragraph.

- (e) Money from the Emergency Telephone System Fund shall be used only to pay for:
- (1) The lease, purchase, or maintenance of emergency telephone equipment, including necessary computer hardware, software, and data base provisioning; addressing; and nonrecurring costs of establishing a '911' system;
 - (2) The rates associated with the service supplier's '911' service and other service supplier's recurring charges;
 - (3) The actual cost of salaries of employees hired by the local government solely for the operation and maintenance of the emergency '911' system and the actual cost of training such of those employees who work as dispatchers;
 - (4) Office supplies of the public safety answering points used directly in providing emergency '911' system services; and
 - (5) The cost of leasing or purchasing a building used as a public safety answering point. Moneys from the fund cannot be used for the construction or lease of an emergency '911' system building until the local government has completed its street addressing plan.

(f) The local government may contract with a service supplier for any term negotiated by the service supplier and the local government for an emergency '911' system and may make payments from the Emergency Telephone System Fund to provide any payments required by the contract.

(g) The service supplier shall maintain records of the amount of the '911' and wireless enhanced '911' charges ~~charge~~ collected for a period of at least three years from the date of collection. The local government may, at its expense, require an annual audit of the service supplier's books and records with respect to the collection and remittance of the '911' and wireless enhanced '911' charges ~~charge~~.

(h) In order to provide additional funding for the local government for emergency '911' system purposes, the local government may receive federal, state, municipal, or private funds which shall be expended for the purposes of this part.

(i) Subject to the provision of Code Section 46-5-133, ~~the subscriber of an exchange access facility~~ a telephone subscriber may be billed for the monthly '911' or wireless enhanced '911' charge as defined in this Code section, for up to 18 months in advance of the date on which the '911' service becomes fully operational.

(j) In the event the local government is a federal military base providing emergency services to local exchange telephone subscribers residing on the base, ~~the~~ a local exchange telephone service supplier is authorized to apply the '911' charges collected to the bill for '911' service rather than remit the funds to an Emergency Telephone System Fund."

SECTION 11.

Said part is further amended by striking in its entirety subsection (b) of Code Section 46-5-138, relating to joint authorities, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) The public authority shall be authorized to contract with the counties or municipalities which formed the authority to operate an emergency '911' system for such local governments throughout the corporate boundaries of such local governments. Pursuant to such contracts, the local governments shall be authorized to provide funding to the authority from the Emergency Telephone System Fund, including the Wireless Phase I and Phase II Reserve Accounts, maintained by each local government. No authority shall be formed until each local government forming the authority has imposed a monthly '911' charge or a monthly wireless enhanced '911' charge."

SECTION 12.

Said part is further amended by adding at the end thereof a new Code section, to be designated as Code Section 46-5-139, to read as follows:

"46-5-139.

Following the conclusion of the 2002 session of the General Assembly, the President of the Senate and the Speaker of the House of Representatives shall each appoint no fewer than three members of their respective bodies to serve as members of the Joint Study Committee on Wireless Enhanced '911' Charges. Such joint study committee shall make any recommendations it considers appropriate to the General Assembly no later than December 31, 2002. The General Assembly may implement the provisions of this Code section by appropriate resolution."

SECTION 13.

Said part ~~is further amended in~~ Code Section 46-5-126, relating to cooperation by the Public Service Commission and the telephone industry, and in Code Section 46-5-130, relating to federal assistance, by striking the word "division" and inserting in its place the word "department"

SECTION 14.

This Act shall become effective on July 1, 1998.

SECTION 15.

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

On the adoption of the substitute, the yeas were 38, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blicht	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Brown, 26th	Y	Huggins	Y	Scott
N Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
N Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 50, nays 2.

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

SB 542. By Senators Guhl of the 45th, Roberts of the 30th, Balfour of the 9th and others:

A bill to amend Code Section 33-3-16 of the Official Code of Georgia Annotated, relating to expiration of certificate of authority to transact insurance and procedure for renewal, so as to provide specifically that certain filings shall be public records of the Commissioner's office; to eliminate a requirement for insurers to publish annual financial statements in newspapers.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blicht	Y	Harbison	Y	Ragan
N	Boshears	Y	Henson		Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
N	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
Y	Egan		Madden	N	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
N	Glanton	Y	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 46, nays 5.

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

Senator Johnson of the 2nd moved that Senator Thomas of the 10th be excused. On the motion, the yeas were 38, nays 0; the motion prevailed, and Senator Thomas was excused.

The Calendar was resumed.

SB 594. By Senators Middleton of the 50th, Perdue of the 18th, Walker of the 22nd and Hill of the 4th:

A bill to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care facilities, so as to provide for legislative findings and intent; to create a new article to be known as the "Essential Rural Health Care Provider Access Act"; to provide for definitions.

The Senate Committee on Health and Human Services offered the following substitute to SB 594:

A BILL

To be entitled an Act to amend Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care facilities, so as to provide for legislative findings and intent; to create a new article to be known as the "Essential Rural Health Care Provider Access Act"; to provide for definitions; to provide for the designation of essential rural health care providers; to impose requirements for qualifications as essential rural health care providers; to provide that certain essential rural health care providers shall have the opportunity to become participating providers in health care plans; to provide for good faith negotiations between providers and health care insurers; to provide for physicians in such plans; to provide for certain exceptions for health maintenance organizations and for considerations regarding

certain service areas; to provide for administration by the Commissioner of Insurance; to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to provide for definitions; to provide for conditions for denial, rejection, or termination of an essential rural health care provider as a participating provider and an opportunity to cure any deficiency; to provide for hearing and appeal; 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.

It is the intent of the General Assembly to encourage the continued existence and availability of certain health care providers in rural areas of the state so as to promote and preserve the provision of primary care to the residents of such rural areas. The General Assembly finds that a severe shortage of health care providers currently exists in many rural areas, and those providers which do exist continue to do so under serious financial hardship. The General Assembly further finds that rural health care providers are being arbitrarily excluded from participating in certain health benefit plans and that, should such practice continue, these providers will be irreparably harmed and forced either to discontinue their services or relocate to urban areas thereby further exacerbating the shortage which already exists. The General Assembly therefore concludes that certain steps must be taken to promote the continued existence and expansion of rural health care providers in order to preserve the availability of primary health care services to Georgia's rural citizens.

SECTION 2.

Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation and construction of hospitals and other health care facilities, is amended by inserting at the end thereof a new article to read as follows:

“ARTICLE 16

31-7-450.

This article shall be known and may be cited as the ‘Essential Rural Health Care Provider Access Act.’

31-7-451.

As used in this article, the term:

- (1) ‘Essential rural health care provider’ means any hospital, federally qualified health center, or rural health clinic, as such terms are defined in this Code section, which is located in a rural area and which complies with the provisions of Code Section 31-7-452.
- (2) ‘Federally qualified health center’ means, for the purposes of this Code section, a facility which meets the definition of a federally qualified health center as described in Section 1395x(aa)(4) of Title 42 of the United States Code Annotated and which is located in a rural area.
- (3) ‘Health benefit plan’ or ‘plan’ means the health insurance policy or subscriber agreement between a covered person or policyholder and a health care insurer which defines the covered services and benefit levels available.
- (4) ‘Health care insurer’ means an insurer, a fraternal benefit society, a health care plan, a nonprofit medical service corporation, a nonprofit hospital service corporation, a health care corporation, a health maintenance organization, or any other entity authorized to sell accident and sickness insurance policies, subscriber certifi-

cates, or other contracts of health insurance by whatever name called under Title 33.

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(5) 'Health care services' means services rendered or products sold by an essential rural health care provider within the scope of such provider's license or legal authorization.

(6) 'Hospital' means any building or facility licensed by the department as a hospital under this chapter which:

(A) Operates no more than 100 beds;

(B) Provides 24 hour emergency care as well as a range of health care services sufficient to support the practice of a primary care physician; and

(C) For at least one of the immediately preceding two fiscal years, derived at least 50 percent of its patient revenues from medicare, Medicaid, or any combination of medicare and Medicaid.

(7) 'Physician' means any person who is licensed to practice medicine by the Composite State Board of Medical Examiners pursuant to Chapter 34 of Title 43 who practices as a family physician, general internist, pediatrician, general practitioner, general surgeon, or obstetrician/gynecologist and who has medical staff privileges at a hospital as defined in paragraph (6) of this Code section.

(8) 'Rural area' means any county having a population of less than 35,000 according to the United States decennial census of 1990 or any future such census.

(9) 'Rural health clinic' means a facility which is located in a rural area and which meets the definition of a rural health clinic as described in Section 1395x(aa)(2) of Title 42 of the United States Code Annotated.

31-7-452.

(a) Any essential rural health care provider shall have the opportunity to become a participating provider of health care services in a health benefit plan if such provider meets all of the following conditions:

(1) Participates in the medicare and Medicaid programs;

(2) Adopts and complies with a policy for the provision of health care services to indigent and charity patients;

(3) Is licensed and qualified to render the services provided by the plan;

(4) Agrees to payment terms which are either:

(A) The same payment terms applicable to other similar participating providers in the plan; or

(B) Such payment terms as may be mutually agreed upon by such provider and the health care insurer; and

(5) Meets the reasonable and nondiscriminatory qualifications and standards established by the plan. Plan standards must comply with all applicable laws and regulations, but such qualifications and standards may not discriminate against essential rural health care providers on the basis of geographic proximity to other participating providers or corporate status.

(b) All essential rural health care providers within a defined service area who meet the conditions established in subsection (a) of this Code section shall be given the opportunity to apply to become a participating provider in a plan. Provisions within a health benefit plan applicable to providers in such plan shall be applied by the health

care insurer in a uniform and consistent manner to similarly situated providers. In the event an essential rural health care provider requests the opportunity to become a participating provider in any health benefit plan, the health care insurer shall conduct reasonable and good faith negotiations with such essential rural health care provider to determine whether it meets the applicable qualifications and standards established by the plan in accordance with all applicable laws and regulations.

(c) Health benefit plans shall include sufficient and reasonable numbers of physicians located in rural areas who have staff privileges at hospitals as defined in paragraph (6) of Code Section 31-7-451.

(d) A health care insurer which is a health maintenance organization shall not be required to comply with this Code section within such health maintenance organization's service area if such area was approved by the commissioner of human resources. When reviewing a health maintenance organization's request to originate or expand an area of service into a rural area, the commissioner of human resources shall consider whether the health maintenance organization has demonstrated its willingness to grant special consideration to essential rural health care providers in the negotiating and contracting process.

(e) The administration of this article shall be through the office of the Commissioner of Insurance."

SECTION 3.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by inserting immediately following Chapter 20A of said title, a new chapter to read as follows:

"CHAPTER 20B

33-20B-1.

To the extent that terms defined in Code Section 31-7-451 are used in this chapter, such terms shall have the same meanings as prescribed in Code Section 31-7-451.

33-20B-2.

To deny, reject, or terminate an essential rural health care provider from serving as a participating provider in a health benefit plan, the health care insurer shall:

- (1) Inform the essential rural health care provider in writing of the basis for such rejection or termination, including a reference to any specific qualification or standard established by the plan in accordance with all applicable laws and regulations which the provider failed to meet; and
- (2) Where possible, afford the essential rural health care provider a reasonable opportunity to cure the deficiency which is the basis for such rejection or termination.

33-20B-3.

Any essential rural health care provider which is denied, rejected, or terminated from serving as a participating provider in a health benefit plan shall have the right of hearing and appeal before the Commissioner, or his or her designee, if that provider believes there has been a violation of Article 16 of Title 31 or this article and of judicial appeal as provided in Chapter 2 of Title 33."

SECTION 4.

This Act shall become effective on July 1, 1998.

SECTION 5.

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

Senator Walker of the 22nd offered the following amendment:

Amend the committee substitute to SB 594 by adding on page 3 Line 22 following the word physician "for purpose of this section only"

On the adoption of the amendment, the yeas were 37, nays 0, and the Walker amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 36, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	EX Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 53, nays 0.

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

SB 544. By Senators Ragan of the 11th, Streat of the 19th, Guhl of the 45th and others:

A bill to amend Code Section 10-4-19 of the Official Code of Georgia Annotated, relating to state licensed and bonded warehouses, required warehouse receipts, and use of electronic warehouse receipts, so as to change the provisions relating to electronic warehouse receipt providers.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Blicht	Y Bowen
Y Balfour	Y Boshears	Y Broun, 46th

Y Brown, 26th	Hill	Y Ragan
Y Brush	Y Hooks	Y Ralston
Y Burton	Y Huggins	Y Ray
Y Cagle	Y James	Y Roberts
Y Cheeks	Y Johnson,D	Y Scott
Y Clay	Y Johnson,E	Y Starr
Y Crotts	Y Kemp	Y Stokes
Y Dean	Y Lamutt	Y Streat
Y Egan	Y Land	Y Tanksley
Y Fort	Y Langford	Y Taylor
Y Gillis	Y Madden	Y Thomas,D
Y Glanton	Y Marable	EX Thomas,N
Y Gochenour	Y Middleton	Y Thompson
Y Griffin	Y Oliver	Y Turner
Y Guhl	Y Perdue	Y Tysinger
Y Harbison	Y Price,R	Walker
Y Henson	Y Price,T	

On the passage of the bill, the yeas were 53, nays 0.

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

The following bill was taken up to consider House action thereto:

SB 564. By Senator Brush of the 24th:

A bill to provide a new charter for the City of Grovetown; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority.

The House amendment was as follows:

Amend SB 564 by striking line 30 on page 34 and inserting in lieu thereof the following:

“SECTION 7.15.”

Senator Brush of the 24th moved that the Senate agree to the House amendment to SB 564.

On the motion, the yeas were 40, nays 0; the motion prevailed, and the Senate agreed to the House amendment to SB 564.

Senator Streat of the 19th moved that the following bill be taken from the Table:

SB 500. By Senators Streat of the 19th, Ragan of the 11th, Middleton of the 50th and others:

A bill to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to provide for the licensing of the retail sale of fresh or frozen seafood, meat, or poultry from a mobile vehicle; to provide for definitions; to provide for licenses and the issuance and revocation thereof.

On the motion, the yeas were 38, nays 0; the motion prevailed, and SB 500 was removed from the Table and placed at the bottom of the Calendar.

The Calendar was resumed.

SB 186. By Senators Stokes of the 43rd, Henson of the 55th and Oliver of the 42nd
 A bill to amend Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to unfair trade practices in the insurance industry, so as to prohibit discriminatory acts against victims of abuse; to define what constitute abuse and define other terms; to specify prohibited acts; to require continuation of coverage and conversion privileges under certain circumstances.

The Senate Committee on Insurance and Labor offered the following substitute to SB 186:

A BILL

To be entitled an Act to amend Article 1 of Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to unfair trade practices in the business of insurance, so as to prohibit certain actions by insurers based on the abuse status of a person; to provide for definitions; to prohibit an insurer from taking certain adverse actions against a victim of domestic abuse; to provide for penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 6 of Title 33 of the Official Code of Georgia Annotated, relating to unfair trade practices in the business of insurance, is amended by inserting immediately following Code Section 33-6-5, which enumerates unfair methods of competition and unfair and deceptive trade practices, a new Code section, to be designated Code Section 33-6-5.1, to read as follows:

“33-6-5.1.

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

(1) ‘Abuse’ means the substantiated occurrence of one or more of the following actions by a current or former family member, household member, or, in the case of minor children, a disabled person, or the elderly, a caretaker:

(A) Intentionally causing another person bodily injury or physical harm;

(B) Subjecting another person to false imprisonment as defined in Code Section 16-5-41; or

(C) Evincing a documented pattern of behavior reasonably assumed to be motivated by a desire to intimidate or attempt to control the behavior of another person beyond the acceptable bounds of parental prerogative.

(2) ‘Abuse status’ means the substantiated fact that a person has been a subject of abuse.

(3) ‘Insured’ shall have the same meaning as defined in paragraph (1) of Code Section 33-6-32. Insured includes a person who is a dependent covered by a policy or certificate.

(4) ‘Insurer’ shall have the same meaning as defined in paragraph (4) of Code Section 33-1-2.

(b) On and after July 1, 1998, no insurer licensed in this state shall refuse to accept an application for insurance, refuse to issue or renew a policy or certificate of insurance, cancel a policy or certificate of insurance, deny coverage, or fail to pay a claim

under a policy or certificate of insurance solely because of the abuse status of the applicant insured.

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(c) Nothing in this Code section shall prohibit an insurer from taking an action set forth in subsection (b) if the action is otherwise permissible by law and is taken in the same manner and to the same extent with respect to all insureds and prospective insureds without regard to whether the insured or prospective insured has abuse status.

(d) The provisions of Chapter 39 of this title shall apply to information regarding abuse received in the transaction of insurance by insurers licensed in this state.

(e) A violation of this Code section is deemed an unfair trade practice and shall be subject to the sanctions and penalties which may be imposed by the Commissioner under the provisions of this chapter, but nothing contained in this Code section shall be construed to create or imply a private cause of action for a violation of this Code section.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 41, nays 1, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	EX Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 55, nays 0.

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

The following bill, having been taken from the Table earlier today, was put upon its passage:

SB 500. By Senators Streat of the 19th, Ragan of the 11th, Middleton of the 50th and others:

A bill to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to provide for the licensing of the retail sale of fresh or frozen seafood, meat, or poultry from a mobile vehicle; to provide for definitions; to provide for licenses and the issuance and revocation thereof.

Senator Streat of the 19th offered the following amendment:

Amend SB 500 by striking line 25 of page 2 and inserting in lieu thereof the following:

“the department a minimum of once every six months and a stamp,”

By striking “quarterly” and inserting in lieu thereof “semi-annual inspection” on line 29 of page 2.

By striking line 33 of page 2 and inserting in lieu thereof the following:

“inspection a minimum of once every six months at a reasonable”

On the adoption of the amendment, the yeas were 36, nays 0, and the Streat amendment was adopted.

Senators Johnson of the 2nd, Kemp of the 3rd and Johnson of the 1st offered the following amendment:

Amend SB 500 by adding at line 34, page 2 after the word department the following: said place shall be within 100 miles of the county in which the license is issued.

On the adoption of the amendment, the yeas were 40, nays 0, and the Johnson of the 2nd, et al. amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Langford	EX Thomas,N
N Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 1.

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

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:36 P.M., the President announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
 Tuesday, February 17, 1998
 Twenty-second Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1634. By Representatives Polak of the 67th, Henson of the 65th, Teper of the 61st and others:

A bill to repeal an Act creating the Avondale Estates Development Authority; to abolish the Avondale Estates Development Authority.

HB 1636. By Representative Barnard of the 154th:

A bill to amend an Act providing for the election of members of the Board of Education of Tattnell County, so as to provide for nonpartisan election of the chairperson and the members of the board of education.

The following bills were introduced, read the first time and referred to committees:

SB 643. By Senator Boshears of the 6th:

A bill to amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Jekyll Island--State Park Authority, so as to provide that certain leasehold interests shall not be exempt from certain taxes or assessments; to provide an effective date.

Referred to Committee on Finance and Public Utilities.

SB 644. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated, relating to apportionment and qualifications for the Senate, so as to provide for the description of Senate districts 3 and 6; to provide for related matters; to provide for effective dates and for applicability.

Referred to Committee on Reapportionment.

SB 645. By Senator Boshears of the 6th:

A bill to amend Article 1 of Chapter 16 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions regarding public property, so as to provide that certain leasehold interests shall not be exempt from certain taxes or assessments; to provide for a definition.

Referred to Committee on Finance and Public Utilities.

SB 646. By Senator Cagle of the 49th:

~~A bill to provide for a~~ A bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Hall County; to provide for the method of distribution of proceeds of such tax between the Hall County School District and the independent school districts located wholly or partially within Hall County, including particularly the City of Gainesville School System and the City of Buford School System.

Referred to Committee on State and Local Governmental Operations.

SB 647 By Senators Walker of the 22nd and Tysinger of the 41st:

A bill to amend Chapter 15 of Title 43 of the Official Code of Georgia Annotated, relating to professional engineers and land surveyors, so as to change the definition of land surveying; to change the provisions relating to land surveyor-in-training certificates and the requirements therefor.

Referred to Committee on Science, Technology and Industry.

SB 648. By Senator Thomas of the 10th:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to require health insurers to provide coverage for the treatment of morbid obesity when medically indicated; to provide for a short title; to offer for legislative findings; to provide definitions; to provide for the issuance of rules and regulations by the Commissioner of Insurance; to provide for adjustment of current contracts.

Referred to Committee on Insurance and Labor.

SR 644. By Senators Gillis of the 20th, Dean of the 31st, Middleton of the 50th and Ralston of the 51st:

A resolution creating the Joint Stream Buffer Study Committee.

Referred to Committee on Natural Resources.

SR 646. By Senators Hill of the 4th, Middleton of the 50th, Marable of the 52nd and others:

A resolution creating the Joint Study Committee on School Support Personnel.

Referred to Committee on Rules.

SR 648. By Senators Johnson of the 1st, Johnson of the 2nd and Boshears of the 6th:

A resolution designating portions of Interstate 95 in honor of Tom Coleman and Mack Mattingly, respectively.

Referred to Committee on Transportation.

The following bills were read the first time and referred to committee:

HB 1634. By Representatives Polak of the 67th, Henson of the 65th, Teper of the 61st and others:

A bill to repeal an Act creating the Avondale Estates Development Authority; to abolish the Avondale Estates Development Authority.

Referred to Committee on State and Local Governmental Operations.

HB 1636. By Representative Barnard of the 154th:

A bill to amend an Act providing for the election of members of the Board of Education of Tattnall County, so as to provide for nonpartisan election of the chairperson and the members of the board of education.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Consumer Affairs has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 615. Do pass by substitute. SB 620. Do pass.

Respectfully submitted,

Senator Henson of the 55th District, Chairman

Mr. President:

The Committee on Defense and Veterans Affairs has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 463. Do pass by substitute.

Respectfully submitted,

Senator Harbison of the 15th District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 562. Do pass.

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 623. Do pass by substitute. HB 1288. Do pass.

HB 395. Do pass. HB 1306. Do pass.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1087. Do pass. HB 1351. Do pass.

HB 1295. Do pass. HB 1352. Do pass.

HB 1301. Do pass. HB 1393. Do pass by substitute.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 88. Do pass by substitute.

Respectfully submitted,

Senator Cheeks of the 23rd District, Chairman

Mr. President:

The Committee on Rules has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 611. Do pass.

Respectfully submitted,

Senator Scott of the 36th District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 714. Do pass by substitute.

HB 1391. Do pass as amended.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 619. Do pass.

HB 1598. Do pass.

SB 625. Do pass.

HB 1601. Do pass.

SB 627. Do pass.

HB 1605. Do pass.

SB 628. Do pass.

HB 1608. Do pass.

HB 1533. Do pass.

HB 1613. Do pass.

HB 1534. Do pass.

HB 1615. Do pass.

HB 1595. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bill and resolution were read the second time:

SB 460 SR 614

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator James was excused.

Senator Middleton of the 50th moved that Senator Madden of the 47th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Madden was excused.

Senator Lamutt of the 21st moved that Senator Land of the 16th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Land was excused.

Senator Lamutt of the 21st moved that Senator Crofts of the 17th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Crofts was excused.

Senator Perdue of the 18th, President Pro Tempore called for the morning roll call, and the following Senators answered to their names:

Balfour	Griffin	Price,T
Blitch	Guhl	Ragan
Boshears	Harbison	Ralston
Bowen	Henson	Ray
Broun, 46th	Hill	Roberts
Brown, 26th	Hooks	Starr
Burton	Huggins	Stokes
Cagle	Johnson,D	Streat
Cheeks	Johnson,E	Tanksley
Clay	Kemp	Thomas,D
Dean	Langford	Thomas,N
Egan	Madden	Thompson
Fort	Marable	Turner
Gillis	Middleton	Tysinger
Glanton	Oliver	
Gochenour	Price,R	

Those not answering were:

Abernathy	Lamutt	Taylor
Brush	Land (excused)	Walker
Crofts (excused)	Perdue(PRS)	
James (excused)	Scott	

Senator Perdue of the 18th, President Pro Tempore, led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Bowen of the 13th introduced the chaplain of the day, Reverend Willis Beasley, pastor of First United Methodist Church, Cordele, Georgia, who offered scripture reading and prayer.

Senator Perdue of the 18th introduced Hillary Smith, National President of FFA, commended by SR 589, adopted previously, who addressed the Senate briefly.

The following resolution was read and put upon its adoption:

SR 611. By Senator Hooks of the 14th:

A resolution commending the Georgia Peach Festival.

The resolution was adopted.

The following resolutions were read and adopted.

SR 643. By Senators Walker of the 22nd, Dean of the 31st and Ragan of the 11th:

A resolution commending the Georgia Chapter of the Arthritis Foundation and designating March 12, 1998, as "Arthritis Awareness Day"

SR 645. By Senators Thompson of the 33rd, Broun of the 46th, Perdue of the 18th and Gillis of the 20th:

A resolution commending the Georgia Basketball Lettermen Club, Inc.

SR 647. By Senators Madden of the 47th, Land of the 16th and Harbison of the 15th:

A resolution honoring Candice Little, Miss Georgia 1997.

SR 649. By Senator Crotts of the 17th:

A resolution commending Dr. Ethan J. D. Hildreth, the 1998 Henry County STAR Teacher.

SR 650. By Senator Crotts of the 17th:

A resolution commending Sashi Kiran Lingam.

Senator Langford of the 29th moved that the following bill be withdrawn from the Committee on State and Local Governmental Operations and committed to the Committee on Science, Technology and Industry:

SB 343. By Senator Langford of the 29th:

A bill to amend Chapter 34 of Title 36 of the Official Code of Georgia Annotated, relating to powers of municipal corporations generally, so as to provide for restrictions on the provision of services by municipalities in competition with private providers; to provide that certain laws, rules, and regulations shall be applicable to entities created or authorized by such municipalities to compete with private providers.

On the motion, the yeas were 30, nays 1; the motion prevailed, and SB 343 was committed to the Committee on Science, Technology and Industry.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday, February 17, 1998

TWENTY SECOND LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 619 Johnson, 1st
 Kemp, 3rd
 BRYAN COUNTY

A bill to provide a homestead exemption from certain Bryan County school district ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead of certain residents of that school district; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal.

SB 625 Johnson, 1st
 Johnson, 2nd
 CITY OF POOLER

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 A bill to create the City of Pooler Convention and Visitors Bureau Authority as a public body corporate and politic, a political subdivision of the state, and a public corporation to have the responsibility of promotion of tourism, trade, and conventions for Pooler, Georgia; to authorize the authority to acquire, construct, improve, equip, alter, repair, operate, and maintain public projects in Pooler, Georgia.

SB 627 Ralston, 51st
 FANNIN COUNTY

A bill to amend an Act entitled "An Act creating the office of Commissioner of Roads and Revenues of Fannin County," now known as the Board of Commissioners of Fannin County, as amended, so as to change the provisions relating to the appointment of county officials and employees; to provide an effective date.

SB 628 Ralston, 51st
 FANNIN COUNTY

A bill to amend an Act entitled "An Act to provide for a board of registrations and elections for Fannin County" so as to change the terms of the members; to provide that the board shall be responsible for the employment of poll workers; to provide an effective date.

HB 1533 Guhl, 45th
 Broun, 46th
 BARROW COUNTY

A bill to amend an Act re-creating and establishing a Board of Commissioners of Barrow County, so as to provide for redistricting.

HB 1534 Guhl, 45th
 Broun, 46th
 BARROW COUNTY

A bill to amend an Act providing authority for members of the Board of Education of Barrow County, so as to provide for redistricting.

HB 1595 Harbison, 15th
 Land, 16th
 CITY OF COLUMBUS

A bill to amend an Act establishing the Municipal Court of Columbus, so as to change fees and costs and the provisions relating thereto.

HB 1598 Griffin, 25th
 GREEN COUNTY

A bill to create the Green County Family Connection Commission.

HB 1601 Griffin, 25th
 CITY OF UNION POINT

A bill to amend an Act creating a new charter for the City of Union Point, so as to change the corporate limits of said city.

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 HB 1605 Roberts, 30th
 CITY OF CARROLLTON

A bill to amend an Act establishing a city court in the City of Carrollton (later renamed the Carroll County State Court), so as to change provisions relating to the terms of court.

HB 1608 Johnson, 1st
 Johnson, 2nd
 CHATHAM COUNTY
 CITY OF SAVANNAH

A bill to provide a homestead exemption from certain Chatham County and City of Savannah school district ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of the homestead of certain residents of that school district.

HB 1613 Taylor, 12th
 Hooks, 14th
 DOUGHERTY COUNTY

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Dougherty County.

HB 1615 Taylor, 12th
 Hooks, 14th
 DOUGHERTY COUNTY

A bill to amend an Act placing certain county officers of Dougherty County upon an annual salary, so as to provide for the salary of the judge of probate court.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Egan	Y Johnson,E
Y Balfour	Y Fort	Y Kemp
Y Blitch	Y Gillis	Y Lamutt
Y Boshears	Y Glanton	Y Land
Bowen	Y Gochenour	Y Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Brush	Y Harbison	Y Middleton
Y Burton	Y Henson	Y Oliver
Y Cagle	Y Hill	Perdue(PRS)
Y Cheeks	Y Hooks	Y Price,R
Y Clay	Y Huggins	Y Price,T
EX Crotts	EX James	Y Ragan
Y Dean	Y Johnson,D	Y Ralston

Y Ray	Y Streat	Y Thompson
Y Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Y Walker
Y Stokes	Y Thomas,N	

On the passage of the local bills, the yeas were 51, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

Senator Boshears of the 6th introduced the doctor of the day, Dr. Ron Smith, of Vidalia, Georgia.

The President assumed the Chair.

Senator Taylor of the 12th introduced United States Congressman Sanford Bishop, commended by SR 595, adopted previously, who addressed the Senate briefly.

The following resolution was read and adopted:

SR 466. By Senators Broun of the 46th, Perdue of the 18th, Gillis of the 20th and others:

A resolution commending Honorable James W. (Jim) Tysinger.

The Lieutenant Governor introduced the family of Senator Tysinger of the 41st, commended by SR 466. Senator Tysinger addressed the Senate briefly.

SENATE RULES CALENDAR

Tuesday, February 17, 1998

TWENTY-SECOND LEGISLATIVE DAY

SB 532	Municipal Elections-provisions on write-in candidates (SLGO-G-10th)
HB 1154	Land surveyors; action to recover damages; prohibit after 6 years (Judy-42nd) Barnes-33rd
SB 566	Automated External Defibrillators-public access (H&HS-4th)
SB 445	Quality Basic Education Act-certain credits for approved driver education course (Substitute)(Ed-42nd)
SB 574	State Government-requirements for use of recycled paper (SLC:O-G-4th)
SR 64	CA: Highway Employee Killed or Disabled After January 1, 1999- indemnification (S Judy-33rd)
SB 567	Charitable Grants, Contributions-counties over 400,000 (SLGO-G-33rd)
SR 474	Certain Legal Immigrants-urge President grant citizenship (D&VA-15th)
SB 521	Rezoning-posting of sign when initiator other than local government (Amendment)(SLGO-G-43rd)
SB 593	Elections-powers of State Election Board (SLGO-G-10th)
SR 587	Geriatrics-encourage graduate medical education curricula (H Ed-52nd)

- SB 540 Probate Courts-local legislation allowing to hear appeals, hold jury trials (Substitute)(Judy-51st)
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- HB 571 Superior Court Clerks' Retirement; post retirement benefit increases (Ret-5th) Lee-94th
- SB 565 Education-relating to student program counts (Amendment)(Ed-4th)
- SB 535 Educators-Professional Standards Commission, code of ethics (Substitute)(Ed-4th)
- SB 586 State Patrol Trooper-requirements for appointment (Pub Saf-19th)
- SB 474 State Government-relations with nonprofit organizations providing services (Substitute)(F&PU-14th)
- SB 477 Garnishment-filing of certain answers, behalf of corporate garnishee (Substitute)(Judy-23rd)
- SB 526 Health Insurance-when insurer pays directly to provider (Substitute)(H&HS-22nd)
- SB 558 Teachers Retirement System Beneficiary-relating to restoration to service (Ret-5th)
- SB 592 Workers' Compensation-relating to National Guard and firemen (D&VA-15th)
- HR 813 ~ "George T. Smith Highway"; designate (Trans-33rd) Barnes-33rd
- HR 741 ~ "Reddish-Warren Bypass"; designate portion of Highway 23 (Trans-6th) Mosley-171st

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

SB 532. By Senators Thomas of the 10th, Price of the 28th and Johnson of the 2nd:

A bill to amend Code Section 21-3-105 of the Official Code of Georgia Annotated, relating to notice of intent of write-in candidates, so as to require that notice of a write-in candidacy be provided no later than seven days after the close of the municipal qualifying period.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Brown, 26th	Y Crotts
Y Balfour	Y Brush	Y Dean
Y Blicht	Y Burton	Egan
Y Boshears	Y Cagle	Y Fort
Y Bowen	Y Cheeks	Y Gillis
Y Broun, 46th	Y Clay	

	Glanton	Y	Lamutt	Y	Roberts
Y	Gochenour	Y	Land		Scott
Y	Griffin	Y	Langford	Y	Starr
Y	Guhl	Y	Madden	Y	Stokes
Y	Harbison	Y	Marable	Y	Streat
	Henson	Y	Middleton	Y	Tanksley
Y	Hill	Y	Oliver		Taylor
Y	Hooks	Y	Perdue	Y	Thomas,D
Y	Huggins	Y	Price,R	Y	Thomas,N
EX	James	Y	Price,T	Y	Thompson
Y	Johnson,D		Ragan	Y	Turner
Y	Johnson,E	Y	Ralston		Tysinger
Y	Kemp	Y	Ray	Y	Walker

On the passage of the bill, the yeas were 48, nays 0.

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

HB 1154. By Representative Barnes of the 33rd:

A bill to amend Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to specific periods of limitations of actions, so as to provide a period of limitation applicable to actions against persons engaged in the practice of land surveying.

Senate Sponsor: Senator Oliver of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	N	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears		Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton		Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 52, nays 1.

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

SB 566. By Senators Hill of the 4th, Thomas of the 54th, Madden of the 47th and Middleton of the 50th:

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A bill to amend Code Section 31-11-53.1 of the Official Code of Georgia Annotated, relating to the automatic defibrillator program, so as to provide for easier public access to automated external defibrillators; to provide an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

Senator Gochenour of the 27th moved that Senator Glanton of the 34th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Glanton was excused.

Senator Johnson of the 1st moved that Senator Clay of the 37th be excused. On the motion, the yeas were 42, nays 0; the motion prevailed, and Senator Clay was excused.

The Calendar was resumed.

SB 445. By Senators Oliver of the 42nd and Starr of the 44th:

A bill to amend Part 3 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to educational programs under the Quality Basic Education Act, so as to provide for Carnegie unit curriculum credits for completion of an approved driver education course in a driver training school; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses.

The Senate Committee on Education offered the following substitute to SB 445:

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 quality basic education, to provide for Carnegie unit curriculum credits for completion of a driver education course in a driver training school; to provide for grants to public secondary schools and local school systems to support driver education courses and programs for secondary school students; to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to instruction permits, graduated licensing and related restrictions, and temporary licenses; to change certain provisions relating to applications of minors and distinctive licenses for persons under 21 years of age; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to quality basic education, is amended by adding a new Code Section 20-2-151.2 to read as follows:

“20-2-151.2.

For the purpose of earning Carnegie unit curriculum credits at the high school level, satisfactory completion, on or after January 1, 1999, of a driver education course in a driver training school and under the instruction of a driver training instructor licensed by the department under Chapter 13 of Title 43, ‘The Driver Training School License Act,’ may be accepted by the State Board of Education for one-half unit of elective credit for any student.”

SECTION 2.

Said article is further amended by adding a new Code Section 20-2-257 to read as follows:

“20-2-257.

The State Board of Education shall provide public secondary schools and local school systems with grants, subject to appropriation by the General Assembly and pursuant to applications made at the discretion of such systems. The purpose of such grants shall be to support motor vehicle driver education courses and programs for secondary school students. The amount of such grants shall be reflective of the most recent counts of age 15, 16, and 17 year old secondary school students in the public schools or local school systems. The public schools or local school systems receiving such grants may expend these funds only for purposes of providing driver education courses or programs to secondary school students. Such grants shall be supplemental to any other provision of state funds for such driver education courses or programs. The state board shall prescribe criteria, policies, and standards deemed necessary for the effective implementation of this Code section.”

SECTION 3.

Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, is amended by striking paragraph (1) of subsection (a) of Code Section 40-5-24, related to instruction permits, graduated licensing and related restrictions, and temporary licenses, and inserting in lieu thereof the following:

“(a)(1) Any resident of this state who is at least 15 years of age may apply to the department for an instruction permit to operate a noncommercial Class C vehicle.

The department shall, after the applicant has successfully passed all parts of the examination referred to in Code Section 40-5-27 other than the driving test, issue to the applicant an instruction permit which shall entitle the applicant, while having such permit in his or her immediate possession, to drive a Class C vehicle upon the public highways for a period of two years when accompanied by a person at least 21 years of age who is licensed as a driver for a commercial or noncommercial Class C vehicle, who is fit and capable of exercising control over the vehicle, and who is occupying a seat beside the driver; provided, however, that if such Class C vehicle is not owned or operated by a driver training school licensed under Chapter 13 of Title 43, 'The Driver Training School License Act,' then such Class C vehicle shall display a sign bearing the phrase 'LEARNING DRIVER' so as to be visible and legible to other motorists at a distance of at least 100 feet behind the vehicle, as prescribed by regulation of the department, and which shall be removed from display when such display is not required under this paragraph."

SECTION 4.

Said chapter is further amended by adding a new subsection (c) to Code Section 40-5-26, relating to application of minors for drivers' licenses, to read as follows:

"(c) The application of any person for a Class D driver's license shall be accompanied by a written statement that the applicant has driven a motor vehicle for a cumulative total of at least ten hours, including at least five hours at night, which statement shall be signed and verified by the father, mother, or guardian of the applicant before a person authorized to administer oaths or, in the event there is no parent or guardian, by another responsible adult."

SECTION 5.

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

Senators Lamutt of the 21st and Clay of the 37th offered the following amendment:

Amend Senate Education Committee substitute to SB 445 by inserting on page 3, line 25 a new subsection (d)

"(d) The department shall not issue any driver's license to any person under 18 years of age unless such person presents acceptable evidence that he or she satisfactorily completed a driver education course approved by the department and in a driver training school and under the instruction of a driver training instructor licensed by the department under Chapter 13 of Title 43, 'The Driver Training School License Act.' The commissioner shall by rule or regulation establish standards for approval of such driver education course, including without limitation requirements for course content and duration, fees, waiver of fees in cases of indigence, attendance, and examinations, provided that such course shall be designed to educate young drivers about safe driving practices and the traffic laws of this state and to train young drivers in the safe operation of motor vehicles. The commissioner shall initiate an implementation plan that will allow for full implementation state wide within 3 years."

Senator Tanksley of the 32nd offered the following amendment:

Amend the amendment by Senators Lamutt of the 21st and Clay of the 37th to the committee substitute to SB 445 by adding a subsection (e)

"(e) Notwithstanding subparagraph (d) the commissioner shall by rule or regulation establish the substantive knowledge and driver skills to be learned from the driver education course mandated in section (d) and, upon written request by any person under 18 or the person's parent or guardian presented to any testing site not less than 10 days

prior to the application for any driver's license, provide the knowledge and skills to be learned to the applicant. At the time of application for a license the department shall administer a test to the applicant, the satisfactory completion of which shall satisfy the requirements of subsection (d). This subsection shall be implemented concurrently with the provisions of subsection (d).

On the adoption of the amendment, the yeas were 16, nays 26, and the Tanksley amendment to the Lamutt, Clay amendment was lost.

On the adoption of the Lamutt, Clay amendment to the committee substitute, the yeas were 5, nays 33, and the Lamutt, Clay amendment was lost.

Senators Crotts of the 17th and Dean of the 31st offered the following amendment:

Amend the committee substitute to SB 445 as follows: Page 3 line 1 after the word driver add a period. Delete on Page 3 line 1 beginning with the word provide through line 11.

On the adoption of the amendment, the yeas were 24, nays 14, and the Crotts, Dean amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 41, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Tysinger
EX Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

At 12:55 P.M. the President announced that the Senate would stand in recess until 2:15 P.M.

The President called the Senate to order at 2:15 P.M.

Senator Harbison of the 15th moved that Senator Fort of the 39th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Fort was excused.

Senator Bowen of the 13th moved that Senator Taylor of the 12th be excused. On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Taylor was excused.

The Calendar was resumed.

SB 574. By Senators Hill of the 4th, Gillis of the 20th, Madden of the 47th and James of the 35th:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change requirements for the use of recycled paper by state institutions.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	EX Taylor
Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
EX Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

SR 64. By Senators Thompson of the 33rd, Dean of the 31st and Cheeks of the 23rd:

A RESOLUTION

Proposing an amendment to the Constitution so as to authorize the General Assembly to provide by law for indemnification with respect to state highway employees who are or have been killed or permanently disabled in the line of duty on or after January 1, 1999; 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 III, Section VI, Paragraph VI of the Constitution is amended by adding at the end thereof a new subparagraph (g) to read as follows:

“(g) The General Assembly may provide by law for indemnification with respect to state highway employees who are or have been killed or permanently disabled in the line of duty on or after January 1, 1999. As used in this subparagraph, ‘state highway employee’ means an employee of the Georgia Department of Transportation who actively engages in highway maintenance, construction, inspection, traffic operations, or other activities that may be construed as hazardous on the public roadways and bridges within the State of Georgia.”

SECTION 2.

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 be amended so as to authorize the General Assembly to provide by law for indemnification with respect to state highway employees who are or have been killed or permanently disabled in the line of duty on or after January 1, 1999?”
- () NO

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, was agreed to.

On the resolution, proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	EX Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
EX Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 47, nays 0.

The resolution having received the requisite two-thirds constitutional majority, was adopted.

SB 567 By Senator Thompson of the 33rd:

A bill to amend Code Section 36-1-19.1 of the Official Code of Georgia Annotated, relating to appropriations for charitable grants or contributions in counties having a population of 400,000 or more, so as to authorize charitable grants or contributions by authorities established by the governing authority of any such county.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	EX James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	EX Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
EX Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 47, nays 0.

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

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

The Conference Committee report on HB 1167 was as follows:

The Committee of Conference on HB 1167 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference substitute to HB 1167 be adopted.

Respectfully submitted,

<p>FOR THE SENATE:</p> <p>/s/ George Hooks Senator, 14th District</p> <p>/s/ Charles W. Walker Senator, 22nd District</p> <p>/s/ George "Sonny" Perdue Senator, 18th District</p>	<p>FOR THE HOUSE OF REPRESENTATIVES:</p> <p>/s/ Terry L. Coleman Representative, 142nd District</p> <p>/s/ Larry Walker Representative, 141st District</p> <p>/s/ Thomas B. Buck, III Representative, 135th District</p>
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CONFERENCE COMMITTEE SUBSTITUTE TO H.B. 1167:

A BILL

To be entitled an Act to amend an Act providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", approved April 24, 1997 (Ga. L. 1997, p. 1101), so as to change certain appropriations for the State Fiscal Year 1997-1998; to make language and other changes; to reallocate certain funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

Section 1.

An Act providing appropriations for the State Fiscal Year 1997-1998, as amended, known as the "General Appropriations Act" approved April 24, 1997 (Ga. L. 1997, p. 1101), is further amended by striking everything following the enacting clause through Section 61, and by substituting in lieu thereof the following:

"That the sums of money hereinafter provided are appropriated for the State Fiscal Year beginning July 1, 1997, and ending June 30, 1998, as prescribed hereinafter for such fiscal year, from funds from the Federal Government and the General Funds of the State, including unappropriated surplus, reserves and a revenue estimate of \$11,118,625,000 (excluding indigent trust fund receipts and lottery receipts) for State Fiscal Year 1998.

PART I.

LEGISLATIVE BRANCH

Section 1. General Assembly.

Budget Unit: General Assembly	\$	27,168,900
Personal Services Staff	\$	14,396,206
Personal Services Elected Officials	\$	3,978,935
Regular Operating Expenses	\$	2,607,235
Travel Staff	\$	110,000
Travel Elected Officials	\$	7,000
Capital Outlay	\$	0
Per Diem Differential	\$	519,200
Equipment	\$	260,000
Computer Charges	\$	763,000
Real Estate Rentals	\$	5,000
Telecommunications	\$	650,500
Per Diem, Fees and Contracts Staff	\$	130,230
Per Diem, Fees and Contracts Elected Officials	\$	2,503,794
Photography	\$	105,000

Expense Reimbursement Account		\$	1,132,800
Total Funds Budgeted		\$	27,168,900
State Funds Budgeted		\$	27,168,900
Senate Functional Budgets			
			<u>Total Funds</u>
Senate and Research Office	\$	4,398,770	\$ 4,398,770
Lt. Governor's Office	\$	740,357	\$ 740,357
Secretary of the Senate's Office	\$	1,196,674	\$ 1,196,674
Total	\$	6,335,801	\$ 6,335,801
House Functional Budgets			
			<u>Total Funds</u>
House of Representatives and Research Office	\$	10,737,419	\$ 10,737,419
Speaker of the House's Office	\$	579,469	\$ 579,469
Clerk of the House's Office	\$	1,471,096	\$ 1,471,096
Total	\$	12,787,984	\$ 12,787,984
Joint Functional Budgets			
			<u>Total Funds</u>
Legislative Counsel's Office	\$	2,908,271	\$ 2,908,271
Legislative Fiscal Office	\$	2,075,165	\$ 2,075,165
Legislative Budget Office	\$	994,253	\$ 994,253
Ancillary Activities	\$	1,671,664	\$ 1,671,664
Budgetary Responsibility Oversight Committee	\$	395,762	\$ 395,762
Total	\$	8,045,115	\$ 8,045,115

For compensation, expenses, mileage, allowances, travel and benefits for members, officials, committees and employees of the General Assembly and each House thereof; for operating the offices of Lieutenant Governor and Speaker of the House of Representatives; for membership in the Council of State Governments, the National Conference of State Legislatures and the National Conference of Insurance Legislators and other legislative organizations, upon approval of the Legislative Services Committee; for membership in the Marine Fisheries Compact and other compacts, upon approval of the Legislative Services Committee; for the maintenance, repair, construction, reconstruction, furnishing and refurbishing of space and other facilities for the Legislative Branch; provided, however, before the Legislative Services Committee authorizes the reconstruction or renovation of legislative office space, committee rooms, or staff support service areas in any State-owned building other than the State Capitol, the committee shall measure the need for said space as compared to space requirements for full-time state agencies and departments and shall, prior to approval of renovation or reconstruction of legislative office space, consider the most efficient and functional building designs used for office space and related activities; for the Legislative Services Committee, the Office of Legislative Counsel, the Office of Legislative Budget Analyst and for the Legislative Fiscal Office; for compiling, publishing and distributing the Acts of the General Assembly and the Journals of the Senate and the House of Representatives; for Code Revision; for equipment, supplies, furnishings, repairs, printing, services and other expenses of the Legislative Branch of Government; and for payments to Presidential Electors. The provisions of any other law to the contrary notwithstanding, such payments to Presidential Electors shall be paid from funds provided for the Legislative Branch of Government, and the payment and receipt of such allowances shall not be in violation of any law.

The Legislative Services Committee shall seek to determine ways to effect economies in the expenditure of funds appropriated to the Legislative Branch of Government. The Committee is hereby authorized to promulgate rules and regulations relative to the expenditure of funds appropriated to the Legislative Branch which may include that no such funds may be expended without prior approval of the Committee. The Committee shall also make a detailed study of all items and programs for which payments are made from funds appropriated to the Legislative Branch of Government with a view towards determining which are legitimate legislative expenses and which should be paid from other appropriations.

Section 2. Department of Audits.

Budget Unit: Department of Audits	\$	20,214,774
Personal Services	\$	17,079,652
Regular Operating Expenses	\$	659,390
Travel	\$	575,000
Motor Vehicle Purchases	\$	118,374
Equipment	\$	15,000
Real Estate Rentals	\$	908,710
Per Diem, Fees and Contracts	\$	43,000
Computer Charges	\$	636,110
Telecommunications	\$	179,538
Total Funds Budgeted	\$	20,214,774
State Funds Budgeted	\$	20,214,774

PART II

JUDICIAL BRANCH

Section 3. Judicial Branch.

Budget Unit: Judicial Branch	\$	90,895,360
Personal Services	\$	12,819,251
Other Operating	\$	74,814,404
Prosecuting Attorney's Council	\$	2,505,947
Judicial Administrative Districts	\$	1,624,344
Payment to Council of Superior Court Clerks	\$	38,000
Payment to Resource Center	\$	300,000
Computerized Information Network	\$	700,000
Total Funds Budgeted	\$	92,801,946
State Funds Budgeted	\$	90,895,360

	Total Funds	State Funds
Supreme Court	\$ 6,879,503	\$ 6,229,503
Court of Appeals	\$ 8,045,875	\$ 7,995,875
Superior Court Judges	\$ 36,251,730	\$ 36,177,730
Superior Court District Attorneys	\$ 29,887,900	\$ 28,834,584
Juvenile Court	\$ 1,209,812	\$ 1,209,812
Institute of Continuing Judicial Education	\$ 783,635	\$ 783,635
Judicial Council	\$ 2,739,590	\$ 2,660,320
Judicial Qualifications Commission	\$ 166,364	\$ 166,364
Indigent Defense Council	\$ 4,284,487	\$ 4,284,487
Georgia Courts Automation Commission	\$ 2,294,186	\$ 2,294,186
Georgia Office Of Dispute Resolution	\$ 258,864	\$ 258,864

Total	\$ 92,801,946	\$ 90,895,360
<u>Section 4. Department of Administrative Services.</u>		
A. Budget Unit: Department of Administrative Services		\$ 48,649,307
Personal Services		\$ 52,274,607
Regular Operating Expenses		\$ 14,772,359
Travel		\$ 500,371
Motor Vehicle Purchases		\$ 812,834
Equipment		\$ 2,301,544
Computer Charges		\$ 13,975,611
Real Estate Rentals		\$ 3,567,350
Telecommunications		\$ 3,852,727
Per Diem, Fees and Contracts		\$ 3,544,715
Rents and Maintenance Expense		\$ 11,129,891
Utilities		\$ 0
Payments to DOAS Fiscal Administration		\$ 2,974,797
Direct Payments to Georgia Building Authority for		
Capital Outlay		\$ 4,336,637
Direct Payments to Georgia Building Authority for		
Operations		\$ 566,806
Telephone Billings		\$ 60,913,800
Radio Billings		\$ 1,154,406
Materials for Resale		\$ 20,039,840
Public Safety Officers Indemnity Fund		\$ 700,000
Health Planning Review Board Operations		\$ 85,000
Payments to Aviation Hall of Fame		\$ 48,500
Payments to Golf Hall of Fame		\$ 85,000
Total Funds Budgeted		\$ 197,636,795
State Funds Budgeted		\$ 48,649,307
Departmental Functional Budgets		
	Total Funds	State Funds
Administration	\$ 14,651,997	\$ 7,539,671
Statewide Business Services	\$ 9,832,273	\$ 4,448,172
General Support Services	\$ 31,659,290	\$ 0
Information Technology	\$ 135,265,763	\$ 32,437,569
State Properties Commission	\$ 667,364	\$ 667,364
Office of the Treasury	\$ 1,524,951	\$ 192,372
State Office of Administrative Hearings	\$ 4,035,157	\$ 3,364,159
Total	\$ 197,636,795	\$ 48,649,307
B. Budget Unit: Georgia Building Authority		\$ 0
Personal Services		\$ 23,054,408
Regular Operating Expenses		\$ 13,560,189
Travel		\$ 12,000
Motor Vehicle Purchases		\$ 200,000
Equipment		\$ 196,800

Computer Charges	\$	110,100
Real Estate Rentals	\$	15,071
Telecommunications	\$	228,970
Per Diem, Fees and Contracts	\$	405,000
Capital Outlay	\$	4,336,637
Utilities	\$	0
Contractual Expense	\$	0
Facilities Renovations and Repairs	\$	0
Total Funds Budgeted	\$	42,119,175
State Funds Budgeted	\$	0
Departmental Functional Budgets		

		<u>Total Funds</u>		<u>State Funds</u>
Grounds	\$	1,452,327	\$	0
Custodial	\$	5,507,049	\$	0
Maintenance	\$	4,297,686	\$	0
Security	\$	7,229,140	\$	0
Van Pool	\$	381,939	\$	0
Sales	\$	4,234,456	\$	0
Administration	\$	17,942,298	\$	0
Roofing	\$	370,657	\$	0
Facilities Program	\$	703,623	\$	0
Total	\$	42,119,175	\$	0

Section 5. Department of Agriculture.

A. Budget Unit: Department of Agriculture	\$	37,782,853
Personal Services	\$	32,169,566
Regular Operating Expenses	\$	4,449,644
Travel	\$	959,745
Motor Vehicle Purchases	\$	302,000
Equipment	\$	448,115
Computer Charges	\$	670,430
Real Estate Rentals	\$	814,475
Telecommunications	\$	412,585
Per Diem, Fees and Contracts	\$	951,396
Market Bulletin Postage	\$	1,046,000
Payments to Athens and Tifton Veterinary Laboratories	\$	3,093,546
Poultry Veterinary Diagnostic Laboratories in Canton, Dalton, Douglas, Oakwood, Statesboro, Carroll, Macon, Mitchell, and Monroe	\$	2,911,440
Veterinary Fees	\$	275,000
Indemnities	\$	60,000
Advertising Contract	\$	175,000
Payments to Georgia Agrirama Development Authority for Operations	\$	735,704

Payments to Georgia Development Authority	\$	0
Renovation, Construction, Repairs and Maintenance		
Projects at Major and Minor Markets	\$	0
Capital Outlay	\$	0
Contract Federation of Southern Cooperatives	\$	40,000
Boll Weevil Eradication Program	\$	0
Total Funds Budgeted	\$	49,514,646
State Funds Budgeted	\$	37,782,853

Departmental Functional Budgets

	Total Funds	State Funds
Plant Industry	\$ 8,179,810	\$ 7,398,810
Animal Industry	\$ 16,194,493	\$ 13,062,358
Marketing	\$ 6,393,875	\$ 2,718,875
Internal Administration	\$ 6,399,695	\$ 6,212,195
Fuel and Measures	\$ 3,671,579	\$ 3,541,879
Consumer Protection Field Forces	\$ 8,092,956	\$ 4,848,736
Seed Technology	\$ 582,238	\$ 0
Total	\$ 49,514,646	\$ 37,782,853

B. Budget Unit: Georgia Agrirama Development

Authority	\$	0
Personal Services	\$	938,623
Regular Operating Expenses	\$	201,667
Travel	\$	4,000
Motor Vehicle Purchases	\$	0
Equipment	\$	5,560
Computer Charges	\$	7,500
Real Estate Rentals	\$	0
Telecommunications	\$	7,500
Per Diem, Fees and Contracts	\$	44,500
Capital Outlay	\$	178,867
Goods for Resale	\$	120,000
Total Funds Budgeted	\$	1,508,217
State Funds Budgeted	\$	0

Section 6. Department of Banking and Finance.

Budget Unit: Department of Banking and Finance	\$	9,523,070
Personal Services	\$	7,838,930
Regular Operating Expenses	\$	437,094
Travel	\$	400,000
Motor Vehicle Purchases	\$	112,380
Equipment	\$	7,464
Computer Charges	\$	277,112
Real Estate Rentals	\$	364,290
Telecommunications	\$	73,000

Per Diem, Fees and Contracts		\$	12,800
Total Funds Budgeted		\$	9,523,070
State Funds Budgeted		\$	9,523,070
<u>Section 7. Department of Community Affairs.</u>			
Budget Unit: Department of Community Affairs		\$	44,876,764
Personal Services		\$	6,260,169
Regular Operating Expenses		\$	335,591
Travel		\$	175,696
Motor Vehicle Purchases		\$	0
Equipment		\$	1,368
Real Estate Rentals		\$	488,430
Per Diem, Fees and Contracts		\$	247,564
Computer Charges		\$	132,424
Telecommunications		\$	82,110
Contracts for Regional Planning and Development		\$	2,063,100
Local Assistance Grants		\$	17,743,689
Appalachian Regional Commission Assessment		\$	133,355
Community Development Block Grants Federal		\$	30,000,000
Payment to Georgia Environmental Facilities Authority		\$	2,434,250
Payment to Georgia Housing and Finance Authority		\$	2,814,244
Local Development Fund		\$	650,000
Payments to Music Hall of Fame Authority		\$	1,113,812
Payment to State Housing Trust Fund		\$	4,531,250
Payments to Sports Hall of Fame		\$	937,868
Regional Economic Business Assistance Grants		\$	5,500,000
Local Government Efficiency Grant Program		\$	0
State Commission on National and Community Service		\$	308,272
EZ/EC Administration		\$	199,024
Regional Assistance Program		\$	1,250,000
Total Funds Budgeted		\$	77,402,216
State Funds Budgeted		\$	44,876,764
Departmental Functional Budgets			
			<u>Total Funds</u>
Executive Division	\$	1,727,464	\$ 1,727,464
Planning Information and Management Division	\$	6,155,239	\$ 5,980,711
Business and Financial Assistance Division	\$	3,076,556	\$ 8,002,999
Housing Finance Division	\$	0	\$ 0

Administrative Division	\$ 30,442,957	\$ 29,165,590
Rental Assistance Division	\$ 0	\$ 0
Total	\$ 77,402,216	\$ 44,876,764

Section 8. Department of Corrections.

A. Budget Unit: Administration, Institutions

and Probation	\$ 700,029,028	
Personal Services	\$ 496,484,504	
Regular Operating Expenses	\$ 60,038,119	
Travel	\$ 2,237,021	
Motor Vehicle Purchases	\$ 1,280,920	
Equipment	\$ 3,533,387	
Computer Charges	\$ 6,777,354	
Real Estate Rentals	\$ 6,002,776	
Telecommunications	\$ 6,837,979	
Per Diem, Fees and Contracts	\$ 4,721,239	
Capital Outlay	\$ 0	
Utilities	\$ 22,365,907	
Court Costs	\$ 1,200,000	
County Subsidy	\$ 16,777,319	
County Subsidy for Jails	\$ 9,532,184	
County Workcamp Construction Grants	\$ 0	
Central Repair Fund	\$ 1,093,624	
Payments to Central State Hospital for Meals	\$ 3,959,700	
Payments to Central State Hospital for Utilities	\$ 1,576,000	
Payments to Public Safety for Meals	\$ 577,160	
Inmate Release Fund	\$ 1,300,000	
Health Services Purchases	\$ 71,075,480	
Payments to MAG for Health Care Certification	\$ 66,620	
University of Georgia College of Veterinary		
Medicine Contracts	\$ 366,244	
Minor Construction Fund	\$ 894,000	
Total Funds Budgeted	\$ 718,697,537	
Indirect DOAS Funding	\$ 450,000	
Georgia Correctional Industries	\$ 0	
State Funds Budgeted	\$ 700,029,028	
Departmental Functional Budgets		

	<u>Total Funds</u>	<u>State Funds</u>
Executive Operations	\$ 15,010,373	\$ 14,653,373
Administration	\$ 51,214,918	\$ 48,989,399
Human Resources	\$ 14,019,558	\$ 14,019,558
Field Probation	\$ 61,401,109	\$ 60,921,109
Facilities	\$ 577,051,579	\$ 561,445,589
Total	\$ 718,697,537	\$ 700,029,028
B. Budget Unit: Board of Pardons and Paroles		\$ 45,029,713

Personal Services	\$	35,062,129
Regular Operating Expenses	\$	1,614,750
Travel	\$	542,000
Motor Vehicle Purchases	\$	23,000
Equipment	\$	194,424
Computer Charges	\$	591,200
Real Estate Rentals	\$	2,785,000
Telecommunications	\$	930,000
Per Diem, Fees and Contracts	\$	2,343,650
County Jail Subsidy	\$	918,560
Health Services Purchases	\$	25,000
Total Funds Budgeted	\$	45,029,713
State Funds Budgeted	\$	45,029,713

Section 9. Department of Defense.

Budget Unit: Department of Defense	\$	4,989,144
Personal Services	\$	10,589,217
Regular Operating Expenses	\$	7,614,572
Travel	\$	38,375
Motor Vehicle Purchases	\$	0
Equipment	\$	20,000
Computer Charges	\$	40,225
Real Estate Rentals	\$	24,400
Telecommunications	\$	41,225
Per Diem, Fees and Contracts	\$	470,200
Capital Outlay	\$	0
Total Funds Budgeted	\$	18,838,214
State Funds Budgeted	\$	4,989,144
Departmental Functional Budgets		

	<u>Total Funds</u>	<u>State Funds</u>
Office of the Adjutant General	\$ 1,613,393	\$ 1,412,701
Georgia Air National Guard	\$ 5,553,809	\$ 602,799
Georgia Army National Guard	\$ 11,671,012	\$ 2,973,644
Total	\$ 18,838,214	\$ 4,989,144

Section 10. State Board of Education

Department of Education.

A. Budget Unit: Department of Education	\$	4,503,454,637
Operations:		
Personal Services	\$	35,653,456
Regular Operating Expenses	\$	6,816,474
Travel	\$	1,066,510
Motor Vehicle Purchases	\$	39,279
Equipment	\$	108,465
Computer Charges	\$	8,845,662
Real Estate Rentals	\$	1,362,627
Telecommunications	\$	1,248,850
Per Diem, Fees and Contracts	\$	24,493,607
Utilities	\$	793,952
Capital Outlay	\$	0
QBE Formula Grants:		

Kindergarten/Grades 1 3	\$ 1,087,229,681
Grades 4 8	\$ 921,117,189
Grades 9 12	\$ 376,283,741
High School Laboratories	\$ 187,374,816
Vocational Education Laboratories	\$ 122,022,070
Special Education	\$ 438,067,665
Gifted	\$ 69,771,250
Remedial Education	\$ 99,733,473
Staff Development and Professional De- velopment	\$ 35,394,416
Media	\$ 114,193,981
Indirect Cost	\$ 727,027,989
Pupil Transportation	\$ 144,838,830
Local Fair Share	\$ (668,034,272)
Mid-Term Adjustment Reserve	\$ 78,027,895
Teacher Salary Schedule Adjustment	\$ 0
Other Categorical Grants:	
Equalization Formula	\$ 168,134,386
Sparsity Grants	\$ 3,367,891
In School Suspension	\$ 27,736,019
Special Instructional Assistance	\$ 104,583,661
Middle School Incentive	\$ 86,256,283
Special Education Low Incidence Grants	\$ 563,759
Limited English-Speaking Students Pro- gram	\$ 18,078,796
Non-QBE Grants:	
Education of Children of Low-Income Families	\$ 164,747,346
Retirement (H.B. 272 and H.B. 1321)	\$ 5,408,750
Instructional Services for the Handi- capped	\$ 73,012,113
Tuition for the Multi-Handicapped Severely Emotionally Disturbed	\$ 2,210,804
School Lunch (Federal)	\$ 45,900,747
School Lunch (State)	\$ 188,375,722
Supervision and Assessment of Students and Beginning Teachers and Performance- Based Certification	\$ 31,528,000
Regional Education Service Agencies	\$ 1,491,147
Georgia Learning Resources System	\$ 10,159,188
High School Program	\$ 3,568,830
Special Education in State Institutions	\$ 25,074,476
Governor's Scholarships	\$ 3,644,659
Counselors	\$ 4,600,000
Vocational Research and Curriculum	\$ 11,524,998
Even Start	\$ 301,207
State and Local Education Improvement	\$ 2,720,906
PSAT Exams	\$ 4,552,565
	\$ 756,500

Accounting, Management and Student In-formation System	\$	11,321,870	
Student Record	\$	922,356	
Child Care Lunch Program (Federal)	\$	29,829,742	
Chapter II Block Grant Flow Through Payment of Federal Funds to Board of Technical and Adult Education	\$	16,901,918	
Education of Homeless Children/Youth	\$	601,772	
Innovative Programs	\$	1,690,215	
Next Generation School Grants	\$	500,000	
Drug Free School (Federal)	\$	11,625,943	
At Risk Summer School Program	\$	4,632,785	
Emergency Immigrant Education Program	\$	1,227,493	
Title II Math/Science Grant (Federal)	\$	5,042,895	
Robert C. Byrd Scholarship (Federal)	\$	273,723	
Health Insurance Non-Cert. Personnel and Retired Teachers	\$	99,047,892	
Pre-School Handicapped Program	\$	17,754,530	
Mentor Teachers	\$	1,250,000	
Advanced Placement Exams	\$	1,608,000	
Gifted Technology	\$	472,400	
Serve America Program	\$	382,597	
Youth Apprenticeship Grants	\$	4,340,000	
Remedial Summer School	\$	1,689,931	
Alternative Programs	\$	12,924,311	
Joint Evening Programs	\$	267,333	
Environmental Science Grants	\$	100,000	
Pay for Performance	\$	6,694,000	
Mentoring Program	\$	500,000	
Charter Schools	\$	45,000	
Technology Specialist	\$	14,132,828	
Migrant Education	\$	274,395	
Total Funds Budgeted	\$	5,057,493,801	
Indirect DOAS Services Funding	\$	340,000	
State Funds Budgeted	\$	4,503,454,637	
Departmental Functional Budgets			
		<u>Total Funds</u>	<u>State Funds</u>
State Administration	\$	10,108,626	\$ 8,648,432
Student Learning and Assessment	\$	20,228,109	\$ 15,248,586
Governor's Honors Program	\$	1,215,442	\$ 1,137,853
Quality and School Support	\$	5,400,732	\$ 5,400,732
Federal Programs	\$	6,776,777	\$ 392,542
Technology	\$	17,059,279	\$ 15,748,475
Professional Practices	\$	1,090,100	\$ 1,090,100
Local Programs	\$	4,977,414,919	\$ 4,440,560,027
Georgia Academy for the Blind	\$	5,554,282	\$ 5,193,601
Georgia School for the Deaf	\$	4,623,900	\$ 4,384,804

Atlanta Area School for the Deaf	\$ 5,280,626	\$ 4,799,884
Office of School Readiness	\$ 2,741,009	\$ 849,601
Total	\$ 5,057,493,801	\$ 4,503,454,637
B. Budget Unit: Lottery for Education		
Pre-Kindergarten for 4-year-olds		\$ 357,532,088
Applied Technology Labs		\$ 210,279,348
Assistive Technology		\$ 0
Alternative Programs		\$ 2,000,000
Educational Technology Centers		\$ 500,000
Learning Logic		\$ 689,836
Model Technology Schools		\$ 300,000
Capital Outlay		\$ 0
Post Secondary Options		\$ 100,016,973
Fort Discovery National Science Center		\$ 2,100,000
Financial and Management Equipment		\$ 1,000,000
Computers in the Classroom		\$ 3,804,500
Total Funds Budgeted		\$ 36,841,431
Lottery Funds Budgeted		\$ 357,532,088

Section 11. Employees' Retirement System.

Budget Unit: Employees' Retirement System		\$ 0
Personal Services	\$ 2,124,047	
Regular Operating Expenses	\$ 260,600	
Travel	\$ 18,000	
Motor Vehicle Purchases	\$ 0	
Equipment	\$ 65,105	
Computer Charges	\$ 654,663	
Real Estate Rentals	\$ 322,438	
Telecommunications	\$ 63,315	
Per Diem, Fees and Contracts	\$ 1,331,650	
Benefits to Retirees	\$ 0	
Total Funds Budgeted	\$ 4,839,818	
State Funds Budgeted	\$ 0	

Section 12. Forestry Commission.

Budget Unit: Forestry Commission	\$ 34,986,218	
Personal Services	\$ 29,108,768	
Regular Operating Expenses	\$ 5,636,892	
Travel	\$ 161,926	
Motor Vehicle Purchases	\$ 668,913	
Equipment	\$ 1,598,518	
Computer Charges	\$ 323,000	
Real Estate Rentals	\$ 21,420	
Telecommunications	\$ 925,319	
Per Diem, Fees and Contracts	\$ 1,161,403	
Ware County Grant	\$ 0	
Ware County Grant for Southern Forest World	\$ 28,500	

Ware County Grant for Road Maintenance		\$	60,000
Capital Outlay		\$	241,752
Total Funds Budgeted		\$	39,936,411
State Funds Budgeted		\$	34,986,218
Departmental Functional Budgets			
			<u>Total Funds</u>
Reforestation	\$	1,859,526	\$ 25,710
Field Services	\$	33,896,376	\$ 30,948,154
General Administration and Support	\$	4,180,509	\$ 4,012,354
Total	\$	39,936,411	\$ 34,986,218

Section 13. Georgia Bureau of Investigation.

Budget Unit: Georgia Bureau of Investigation		\$	48,334,166
Personal Services		\$	37,206,120
Regular Operating Expenses		\$	4,488,436
Travel		\$	478,225
Motor Vehicle Purchases		\$	294,000
Equipment		\$	630,490
Computer Charges		\$	640,355
Real Estate Rentals		\$	2,086,425
Telecommunications		\$	1,103,470
Per Diem, Fees and Contracts		\$	922,645
Evidence Purchased		\$	484,000
Capital Outlay		\$	0
Total Funds Budgeted		\$	48,334,166
State Funds Budgeted		\$	48,334,166

Departmental Functional Budgets

			<u>Total Funds</u>	<u>State Funds</u>
Administration	\$	4,324,259	\$	4,324,259
Investigative	\$	24,306,898	\$	24,306,898
Georgia Crime Information Center	\$	8,296,824	\$	8,296,824
Forensic Sciences	\$	11,406,185	\$	11,406,185
Total	\$	48,334,166	\$	48,334,166

Section 14. Office of the Governor.

A. Budget Unit: Office of the Governor		\$	30,616,017
Personal Services		\$	15,352,586
Regular Operating Expenses		\$	943,322
Travel		\$	236,064
Motor Vehicle Purchases		\$	0
Equipment		\$	60,408
Computer Charges		\$	830,700
Real Estate Rentals		\$	996,718
Telecommunications		\$	495,706
Per Diem, Fees and Contracts		\$	4,311,892
Cost of Operations		\$	3,354,364
Mansion Allowance		\$	40,000

Governor's Emergency Fund	\$	3,160,000
Intern Stipends and Travel	\$	156,750
Art Grants of State Funds	\$	3,900,000
Art Grants of Non-State Funds	\$	241,500
Humanities Grant State Funds	\$	175,000
Art Acquisitions State Funds	\$	0
Children and Youth Grants	\$	276,426
Juvenile Justice Grants	\$	1,499,100
Georgia Crime Victims Assistance Program	\$	100,000
Grants to Local Systems	\$	684,400
Grants Local EMA	\$	1,085,968
Grants Other	\$	0
Grants Civil Air Patrol	\$	57,000
Total Funds Budgeted	\$	37,957,904
State Funds Budgeted	\$	30,616,017
Departmental Functional Budgets		

		<u>Total Funds</u>	<u>State Funds</u>
Governor's Office	\$	6,711,114	\$ 6,711,114
Office of Equal Opportunity	\$	983,071	\$ 819,125
Office of Planning and Budget	\$	8,125,886	\$ 8,125,886
Council for the Arts	\$	5,105,637	\$ 4,502,137
Office of Consumer Affairs	\$	3,317,635	\$ 3,216,635
Georgia Information Technology Policy Council	\$	711,123	\$ 711,123
Criminal Justice Coordinating Council	\$	1,250,197	\$ 310,878
Children and Youth Coordinating Council	\$	2,253,846	\$ 554,846
Human Relations Commission	\$	311,207	\$ 311,207
Professional Standards Commission	\$	4,041,774	\$ 4,041,774
Georgia Emergency Management Agency	\$	4,983,374	\$ 1,148,252
Governor's Commission for the Privatization of Government Services	\$	163,040	\$ 163,040
Total	\$	37,957,904	\$ 30,616,017

Section 15. Department of Human Resources.

A. Budget Unit: Departmental Operations	\$	1,161,948,609
1. General Administration and Support Budget:		
Personal Services	\$	60,049,842
Regular Operating Expenses	\$	2,433,191
Travel	\$	1,522,191
Motor Vehicle Purchases	\$	1,573,678
Equipment	\$	106,130
Real Estate Rentals	\$	4,778,651
Per Diem, Fees and Contracts	\$	7,068,171
Computer Charges	\$	7,115,683
Telecommunications	\$	867,947
Special Purpose Contracts	\$	309,000
Service Benefits for Children	\$	46,486,389

Purchase of Service Contracts	\$	45,491,515
Institutional Repairs and Maintenance	\$	89,214
Postage	\$	923,452
Payments to DMA-Community Care	\$	18,199,615
Grants to County DFACS Operations	\$	927,901
Total Funds Budgeted	\$	197,942,570
Indirect DOAS Services Funding	\$	412,600
State Funds Budgeted	\$	116,701,261
Departmental Functional Budgets		

		<u>Total Funds</u>		<u>State Funds</u>
Commissioner's Office	\$	1,037,742	\$	1,037,742
Office of Planning and Budget Services	\$	4,057,233	\$	4,057,233
Office of Adoption	\$	1,191,996	\$	1,168,246
Children's Community Based Initiative	\$	5,508,295	\$	5,133,295
Troubled Children's Placements	\$	46,486,389	\$	33,335,726
Technology and Support	\$	34,883,964	\$	21,240,810
Facilities Management	\$	5,509,616	\$	4,255,620
Regulatory Services Program Direction and Support	\$	576,110	\$	566,110
Child Care Licensing	\$	2,877,638	\$	2,752,638
Health Care Facilities Regulation	\$	10,290,048	\$	4,587,256
Fraud and Abuse	\$	6,435,216	\$	2,317,156
Financial Services	\$	8,470,765	\$	6,645,750
Auditing Services	\$	1,888,006	\$	1,888,006
Personnel Administration	\$	3,492,190	\$	3,492,190
Indirect Cost	\$	0	\$	(9,965,749)
Policy and Government Services	\$	1,179,800	\$	1,179,800
Aging Services	\$	60,596,067	\$	31,236,126
State Health Planning Agency	\$	1,804,142	\$	1,724,142
DD Council	\$	1,657,353	\$	49,164
Total	\$	197,942,570	\$	116,701,261

2. Public Health Budget:

Personal Services	\$	48,755,563
Regular Operating Expenses	\$	74,476,798
Travel	\$	802,414
Motor Vehicle Purchases	\$	0
Equipment	\$	195,367
Real Estate Rentals	\$	1,413,650
Per Diem, Fees and Contracts	\$	4,313,697
Computer Charges	\$	1,682,597
Telecommunications	\$	1,218,661
Special Purpose Contracts	\$	280,732
Purchase of Service Contracts	\$	15,023,765
Grant-In-Aid to Counties	\$	132,073,686
Institutional Repairs and Maintenance	\$	34,500
Postage	\$	106,097
Medical Benefits	\$	4,580,555
Total Funds Budgeted	\$	284,958,082
Indirect DOAS Services Funding	\$	549,718
State Funds Budgeted	\$	154,895,867

Departmental Functional Budgets

	Total Funds	State Funds
District Health Administration	\$ 12,801,257	\$ 12,671,582
Newborn Follow-Up Care	\$ 1,375,269	\$ 1,160,438
Oral Health	\$ 1,573,141	\$ 1,250,966
Stroke and Heart Attack Prevention	\$ 2,292,312	\$ 1,179,700
Sickle Cell, Vision and Hearing	\$ 4,342,592	\$ 3,568,773
High-Risk Pregnant Women and Infants	\$ 5,246,146	\$ 5,134,146
Sexually Transmitted Diseases	\$ 2,494,184	\$ 494,026
Family Planning	\$ 10,881,359	\$ 5,854,042
Women, Infants and Children Nutrition	\$ 83,435,710	\$ 0
Grant in Aid to Counties	\$ 68,422,827	\$ 67,292,789
Children's Medical Services	\$ 13,258,839	\$ 6,482,532
Emergency Health	\$ 3,256,364	\$ 1,907,651
Primary Health Care	\$ 1,467,688	\$ 1,364,601
Epidemiology	\$ 697,961	\$ 442,425
Immunization	\$ 1,043,235	\$ 0
Community Tuberculosis Control	\$ 6,165,832	\$ 4,717,392
Family Health Management	\$ 863,506	\$ 685,576
Infant and Child Health	\$ 1,190,809	\$ 710,584
Maternal Health Perinatal	\$ 2,523,376	\$ 1,080,501
Chronic Disease	\$ 376,294	\$ 376,294
Diabetes	\$ 569,046	\$ 569,046
Cancer Control	\$ 4,974,431	\$ 4,974,431
Director's Office	\$ 1,328,484	\$ 1,074,293
Injury Control	\$ 357,718	\$ 206,580
Health Program Management	\$ 263,191	\$ 263,191
Vital Records	\$ 2,025,699	\$ 1,779,342
Health Services Research	\$ 2,736,633	\$ 2,513,815
Environmental Health	\$ 1,400,306	\$ 888,433
Laboratory Services	\$ 6,358,148	\$ 6,088,148
Community Health Management	\$ 278,580	\$ 278,580
AIDS	\$ 9,458,842	\$ 5,248,958
Vaccines	\$ 7,843,045	\$ 0
Drug and Clinic Supplies	\$ 3,286,750	\$ 2,530,130
Adolescent Health	\$ 7,167,155	\$ 2,743,551
Public Health Planning Councils	\$ 177,138	\$ 159,641
Early Intervention	\$ 13,024,215	\$ 10,739,428
Public Health Division Indirect Cost	\$ 0	\$ (1,535,718)
Total	\$ 284,958,082	\$ 154,895,867
3. Rehabilitation Services Budget:		
Personal Services		\$ 80,070,234
Regular Operating Expenses		\$ 11,635,180
Travel		\$ 1,402,054
Motor Vehicle Purchases		\$ 50,582
Equipment		\$ 751,574
Real Estate Rentals		\$ 4,117,555
Per Diem, Fees and Contracts		\$ 7,855,273
Computer Charges		\$ 2,990,069
Telecommunications		\$ 2,043,183

Case Services	\$	29,330,191
Special Purpose Contracts	\$	730,245
Purchase of Services Contracts	\$	11,556,562
Institutional Repairs and Maintenance	\$	255,000
Utilities	\$	859,650
Postage	\$	823,675
Total Funds Budgeted	\$	154,471,027
Indirect DOAS Services Funding	\$	100,000
State Funds Budgeted	\$	24,012,698
Departmental Functional Budgets		

		<u>Total Funds</u>		<u>State Funds</u>
Vocational Rehabilitation Services	\$	61,115,620	\$	12,024,237
Independent Living	\$	763,949	\$	328,969
Employability Services	\$	566,005	\$	566,005
Community Facilities	\$	10,140,272	\$	3,585,422
Program Direction and Support	\$	4,081,230	\$	1,237,275
Grants Management	\$	694,540	\$	694,540
Disability Adjudication	\$	38,737,780	\$	0
Georgia Factory for Blind	\$	12,600,070	\$	867,699
Roosevelt Warm Springs Institute	\$	25,771,561	\$	4,708,551
Total	\$	154,471,027	\$	24,012,698

4. Family and Children Services Budget:

Personal Services	\$	46,034,209
Regular Operating Expenses	\$	4,654,700
Travel	\$	1,139,360
Motor Vehicle Purchases	\$	0
Equipment	\$	383,289
Real Estate Rentals	\$	3,722,619
Per Diem, Fees and Contracts	\$	23,986,982
Computer Charges	\$	29,594,569
Telecommunications	\$	10,099,417
Children's Trust Fund	\$	3,286,607
Cash Benefits	\$	306,399,952
Special Purpose Contracts	\$	6,579,933
Service Benefits for Children	\$	233,807,247
Purchase of Service Contracts	\$	27,366,239
Postage	\$	2,774,054
Grants to County DFACS Operations	\$	312,672,138
Total Funds Budgeted	\$	1,012,501,315
Indirect DOAS Services Funding	\$	2,565,582
State Funds Budgeted	\$	357,215,947
Departmental Functional Budgets		

		<u>Total Funds</u>		<u>State Funds</u>
Director's Office	\$	513,508	\$	513,508
Social Services	\$	3,623,110	\$	3,125,801
Administrative Support	\$	3,284,424	\$	3,024,181
Quality Assurance	\$	3,927,362	\$	3,927,362
Community Services	\$	10,824,372	\$	543,999
Field Management	\$	1,076,242	\$	1,076,242
Human Resources Management	\$	2,704,799	\$	1,699,008

Public Assistance	\$	30,788,253	\$	13,048,816
Employment Services	\$	1,475,648	\$	1,475,648
Child Support Recovery	\$	70,691,121	\$	11,335,403
Temporary Assistance for Needy Families	\$	296,109,390	\$	68,100,070
SSI Supplemental Benefits	\$	1,122,012	\$	1,122,012
Refugee Programs	\$	2,799,420	\$	0
Energy Benefits	\$	7,223,130	\$	0
County DFACS Operations Eligibility	\$	117,561,676	\$	58,036,963
County DFACS Operations Social Services	\$	96,752,523	\$	36,560,073
Food Stamp Issuance	\$	3,190,752	\$	0
County DFACS Operations Homemakers Services	\$	8,333,523	\$	2,269,294
County DFACS Operations Joint and Administration	\$	68,037,925	\$	33,652,572
County DFACS Operations Employability Program	\$	21,986,491	\$	8,203,841
Employability Benefits	\$	40,557,515	\$	16,161,742
Legal Services	\$	4,290,503	\$	2,520,990
Family Foster Care	\$	31,595,512	\$	20,022,962
Institutional Foster Care	\$	9,900,790	\$	7,289,407
Specialized Foster Care	\$	5,146,142	\$	4,298,815
Adoption Supplement	\$	17,361,167	\$	13,279,408
Prevention of Foster Care	\$	11,544,785	\$	9,718,081
Day Care	\$	133,320,622	\$	38,486,937
Special Projects	\$	3,471,991	\$	3,407,759
Children's Trust Fund	\$	3,286,607	\$	3,286,607
Indirect Cost	\$	0	\$	(8,971,554)
Total	\$	1,012,501,315	\$	357,215,947

5. Community Mental Health/Mental Retardation and Institutions:

Personal Services	\$	329,892,657
Operating Expenses	\$	57,247,113
Motor Vehicle Equipment Purchases	\$	200,000
Utilities	\$	11,532,133
Major Maintenance and Construction	\$	2,127,790
Community Services	\$	301,944,168
Total Funds Budgeted	\$	702,943,861
Indirect DOAS Services Funding	\$	2,404,100
State Funds Budgeted	\$	509,122,836

	Total Funds	State Funds
Southwestern State Hospital	\$ 40,137,188	\$ 24,993,159
Brook Run	\$ 24,432,255	\$ 7,594,141
Georgia Mental Health Institute	\$ 23,366,723	\$ 21,448,921
Georgia Regional Hospital at Augusta	\$ 18,512,863	\$ 16,625,971
Northwest Regional Hospital at Rome	\$ 25,479,493	\$ 18,414,834
Georgia Regional Hospital at Atlanta	\$ 29,806,305	\$ 25,124,023
Central State Hospital	\$ 123,988,361	\$ 81,561,732
Georgia Regional Hospital at Savannah	\$ 18,835,886	\$ 17,154,565

Gracewood State School and Hospital	\$ 53,299,515	\$ 23,487,815
West Central Regional Hospital	\$ 19,658,931	\$ 16,872,692
Outdoor Therapeutic Programs	\$ 4,054,089	\$ 3,145,154
Metro Drug Abuse Centers	\$ 1,001,456	\$ 940,302
Community Mental Health Services	\$ 151,806,959	\$ 145,875,828
Community Mental Retardation Services	\$ 92,677,616	\$ 61,505,137
Community Substance Abuse Services	\$ 60,650,585	\$ 33,552,905
State Administration	\$ 10,222,668	\$ 6,336,746
Regional Administration	\$ 5,012,968	\$ 4,488,911
Total	\$ 702,943,861	\$ 509,122,836

Budget Unit Object Classes:

Personal Services	\$ 564,802,505
Regular Operating Expenses	\$ 93,199,869
Travel	\$ 4,866,019
Motor Vehicle Purchases	\$ 1,824,260
Equipment	\$ 1,436,360
Real Estate Rentals	\$ 14,032,475
Per Diem, Fees and Contracts	\$ 43,224,123
Computer Charges	\$ 41,382,918
Telecommunications	\$ 14,229,208
Operating Expenses	\$ 57,247,113
Major Maintenance and Construction	\$ 2,127,790
Community Services	\$ 301,944,168
Case Services	\$ 29,330,191
Children's Trust Fund	\$ 3,286,607
Cash Benefits	\$ 306,399,952
Special Purpose Contracts	\$ 7,899,910
Service Benefits for Children	\$ 280,293,636
Purchase of Service Contracts	\$ 99,438,081
Grant-In-Aid to Counties	\$ 132,073,686
Institutional Repairs and Maintenance	\$ 378,714
Utilities	\$ 12,391,783
Postage	\$ 4,627,278
Payments to DMA-Community Care	\$ 18,199,615
Grants to County DFACS Operations	\$ 313,600,039
Medical Benefits	\$ 4,580,555

Section 16. Department of Industry,

Trade and Tourism.

Budget Unit: Department of Industry,

Trade and	
Tourism	\$ 20,409,594
Personal Services	\$ 10,139,980
Regular Operating Expenses	\$ 1,578,726
Travel	\$ 387,465
Motor Vehicle Purchases	\$ 16,200
Equipment	\$ 64,757
Computer Charges	\$ 199,780
Real Estate Rentals	\$ 850,559
Telecommunications	\$ 335,700
Per Diem, Fees and Contracts	\$ 1,284,638

Local Welcome Center Contracts	\$	241,600
Marketing	\$	5,486,189
Georgia Ports Authority Lease Rentals	\$	0
Foreign Currency Reserve	\$	0
Waterway Development in Georgia	\$	50,000
Lanier Regional Watershed Commission	\$	0
Total Funds Budgeted	\$	20,635,594
State Funds Budgeted	\$	20,409,594

Departmental Functional Budgets		
	<u>Total Funds</u>	<u>State Funds</u>
Administration	\$ 8,077,323	\$ 8,077,323
Economic Development	\$ 3,721,258	\$ 3,721,258
Trade	\$ 1,608,625	\$ 1,608,625
Tourism	\$ 5,427,716	\$ 5,201,716
Georgia Legacy	\$ 1,175,385	\$ 1,175,385
Strategic Planning	\$ 625,287	\$ 625,287
Total	\$ 20,635,594	\$ 20,409,594

Section 17. Department of Insurance.

Budget Unit: Department of Insurance	\$	15,799,353
Personal Services	\$	14,129,498
Regular Operating Expenses	\$	800,728
Travel	\$	534,074
Motor Vehicle Purchases	\$	50,000
Equipment	\$	113,558
Computer Charges	\$	199,213
Real Estate Rentals	\$	825,294
Telecommunications	\$	342,424
Per Diem, Fees and Contracts	\$	211,219
Health Care Utilization Review	\$	0
Total Funds Budgeted	\$	17,206,008
State Funds Budgeted	\$	15,799,353

Departmental Functional Budgets		
	<u>Total Funds</u>	<u>State Funds</u>
Internal Administration	\$ 4,248,088	\$ 4,248,088
Insurance Regulation	\$ 6,425,444	\$ 6,425,444
Industrial Loans Regulation	\$ 559,587	\$ 559,587
Fire Safety and Mobile Home Regulations	\$ 5,347,889	\$ 3,941,234
Special Insurance Fraud Fund	\$ 625,000	\$ 625,000
Total	\$ 17,206,008	\$ 15,799,353

Section 19. Department of Labor.

Budget Unit: Department of Labor	\$	10,500,998
Personal Services	\$	72,322,396
Regular Operating Expenses	\$	6,213,740
Travel	\$	1,305,910
Motor Vehicle Purchases	\$	0
Equipment	\$	457,047
Computer Charges	\$	3,058,815
Real Estate Rentals	\$	1,888,123
Telecommunications	\$	1,465,339

Per Diem, Fees and Contracts (JTPA)	\$	60,500,000
Per Diem, Fees and Contracts	\$	3,157,943
W.I.N. Grants	\$	0
Payments to State Treasury	\$	1,774,079
Capital Outlay	\$	0
Total Funds Budgeted	\$	152,143,392
State Funds Budgeted	\$	10,500,998

Section 20. Department of Law.

Budget Unit: Department of Law	\$	13,274,252
Personal Services	\$	12,272,365
Regular Operating Expenses	\$	718,135
Travel	\$	179,322
Motor Vehicle Purchases	\$	0
Equipment	\$	27,686
Computer Charges	\$	311,601
Real Estate Rentals	\$	826,548
Telecommunications	\$	140,424
Per Diem, Fees and Contracts	\$	260,000
Books for State Library	\$	147,000
Total Funds Budgeted	\$	14,883,081
State Funds Budgeted	\$	13,274,252

Section 21. Department of Medical Assistance.

A. Budget Unit: Medicaid Services	\$	1,180,146,808
Personal Services	\$	17,102,396
Regular Operating Expenses	\$	5,814,019
Travel	\$	188,400
Motor Vehicle Purchases	\$	0
Equipment	\$	51,500
Computer Charges	\$	42,878,090
Real Estate Rentals	\$	765,380
Telecommunications	\$	525,000
Per Diem, Fees and Contracts	\$	99,734,768
Medicaid Benefits, Penalties and Disallowances	\$	3,201,653,862
Audit Contracts	\$	772,500
Total Funds Budgeted	\$	3,369,485,915
State Funds Budgeted	\$	1,180,146,808

Departmental Functional Budgets

	Total Funds	State Funds
Commissioner's Office	\$ 1,823,493	\$ 871,641
Benefits, Penalties and Disallowances	\$ 3,201,653,862	\$ 1,135,032,597
Systems Management	\$ 50,348,074	\$ 11,527,182
Indemnity Chronic Care	\$ 2,314,233	\$ 870,497
Reimbursement Services	\$ 9,380,394	\$ 3,613,357
Indemnity Acute Care	\$ 3,854,589	\$ 1,654,454
Legal and Regulatory	\$ 5,466,700	\$ 2,733,350
Managed Care	\$ 4,938,853	\$ 2,354,050
General Administration	\$ 89,705,717	\$ 21,489,680

Total	\$ 3,369,485,915	\$ 1,180,146,808
B. Budget Unit: Indigent Trust Fund		\$ 148,828,880
Per Diem, Fees and Contracts		\$ 8,200,000
Benefits		\$ 368,962,635
Total Funds Budgeted		\$ 377,162,635
State Funds Budgeted		\$ 148,828,880

Section 22. Merit System of Personnel

Administration.

Budget Unit: Merit System of Personnel Administration		\$ 300,000
Personal Services		\$ 9,209,855
Regular Operating Expenses		\$ 2,498,301
Travel		\$ 111,100
Equipment		\$ 41,453
Real Estate Rents		\$ 866,109
Per Diem, Fees and Contracts		\$ 191,288,143
Computer Charges		\$ 3,412,707
Telecommunications		\$ 445,820
Health Insurance Payments		\$ 890,662,994
Total Funds Budgeted		\$ 1,098,536,482
Other Agency Funds		\$ 1,162,915
Agency Assessments		\$ 11,153,613
Employee and Employer Contributions		\$ 1,085,568,416
Deferred Compensation		\$ 351,538
State Funds Budgeted		\$ 300,000

Departmental Functional Budgets

	<u>Total Funds</u>	<u>State Funds</u>
Executive Office	\$ 3,294,263	\$ 300,000
Human Resource Administration	\$ 5,665,972	\$ 0
Employee Benefits	\$ 1,085,764,200	\$ 0
Internal Administration	\$ 3,812,047	\$ 0
Personnel Practices Evaluation Audits	\$ 0	\$ 0
Total	\$ 1,098,536,482	\$ 300,000

Section 23. Department of Natural Resources.

A. Budget Unit: Department of Natural Resources		\$ 103,310,384
Personal Services		\$ 74,179,877
Regular Operating Expenses		\$ 13,933,169
Travel		\$ 582,059
Motor Vehicle Purchases		\$ 1,446,520
Equipment		\$ 2,004,467
Real Estate Rentals		\$ 2,378,593
Per Diem, Fees and Contracts		\$ 12,763,682
Computer Charges		\$ 2,972,182
Telecommunications		\$ 1,273,250
Authority Lease Rentals		\$ 98,600
Advertising and Promotion		\$ 675,000
Cost of Material for Resale		\$ 1,693,217

Capital Outlay:		
New Construction	\$	1,188,810
Repairs and Maintenance	\$	3,088,000
Land Acquisition Support	\$	213,750
Wildlife Management Area Land Acquisition	\$	737,330
Shop Stock Parks	\$	350,000
User Fee Enhancements	\$	1,300,000
Buoy Maintenance	\$	26,250
Waterfowl Habitat	\$	0
Paving at State Parks and Historic Sites	\$	500,000
Grants:		
Land and Water Conservation	\$	800,000
Georgia Heritage 2000 Grants	\$	256,500
Recreation	\$	1,000,000
Chattahoochee River Basin Grants	\$	0
Contracts:		
Paralympic Games	\$	0
Technical Assistance Contract	\$	0
Corps of Engineers (Cold Water Creek State Park)	\$	170,047
Georgia State Games Commission	\$	204,642
U. S. Geological Survey for Ground Water Resources	\$	300,000
U.S. Geological Survey for Topographic Mapping	\$	0
Payments to Civil War Commission	\$	31,000
Hazardous Waste Trust Fund	\$	7,380,472
Solid Waste Trust Fund	\$	6,792,756
Payments to Georgia Agricultural Exposition Authority	\$	2,062,017
Payments to McIntosh County	\$	100,000
Georgia Boxing Commission	\$	6,000
Total Funds Budgeted	\$	140,508,190
Receipts from Jekyll Island State Park Authority	\$	890,073
Receipts from Stone Mountain Memorial Association	\$	2,122,585
Receipts from Lake Lanier Islands Development Authority	\$	2,663,931
Receipts from North Georgia Mountain Authority	\$	1,426,635
Indirect DOAS Funding	\$	200,000
State Funds Budgeted	\$	103,310,384
Departmental Functional Budgets		
Commissioner's Office	\$	
		<u>Total Funds</u>
	\$	4,885,828
		<u>State Funds</u>
	\$	4,870,828

Program Support	\$ 2,962,334	\$ 2,962,334
Historic Preservation	\$ 2,786,243	\$ 2,296,243
Parks, Recreation and Historic Sites	\$ 39,683,455	\$ 18,002,341
Coastal Resources	\$ 2,224,298	\$ 2,099,580
Wildlife Resources	\$ 36,817,147	\$ 31,715,356
Environmental Protection	\$ 50,123,138	\$ 40,337,955
Pollution Prevention Assistance	\$ 1,025,747	\$ 1,025,747
Total	\$ 140,508,190	\$ 103,310,384

B. Budget Unit: Georgia Agricultural Exposition

Authority	\$ 0
Personal Services	\$ 2,677,702
Regular Operating Expenses	\$ 1,993,200
Travel	\$ 25,000
Motor Vehicle Purchases	\$ 30,000
Equipment	\$ 100,000
Computer Charges	\$ 20,000
Real Estate Rentals	\$ 0
Telecommunications	\$ 50,000
Per Diem, Fees and Contracts	\$ 695,000
Capital Outlay	\$ 0
Total Funds Budgeted	\$ 5,590,902
State Funds Budgeted	\$ 0
Departmental Functional Budgets	

	Total Funds	State Funds
Georgia Agricultural Exposition Authority	\$ 5,590,902	\$ 0

Section 24. Department of Public Safety.

A. Budget Unit: Department of Public Safety	\$ 100,628,816
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1. Operations Budget:

Personal Services	\$ 61,941,346
Regular Operating Expenses	\$ 8,005,646
Travel	\$ 104,095
Motor Vehicle Purchases	\$ 2,100,000
Equipment	\$ 288,460
Computer Charges	\$ 3,501,067
Real Estate Rentals	\$ 28,962
Telecommunications	\$ 1,944,147
Per Diem, Fees and Contracts	\$ 994,000
State Patrol Posts Repairs and Maintenance	\$ 145,100

Capital Outlay	\$ 0
Conviction Reports	\$ 0
Total Funds Budgeted	\$ 79,052,823
Indirect DOAS Service Funding	\$ 1,650,000
State Funds Budgeted	\$ 77,402,823

2. Driver Services Budget:

Personal Services	\$ 18,074,759
Regular Operating Expenses	\$ 1,110,763
Travel	\$ 54,381

Motor Vehicle Purchases		\$	0
Equipment		\$	47,643
Computer Charges		\$	50,000
Real Estate Rentals		\$	47,262
Telecommunications		\$	270,000
Per Diem, Fees and Contracts		\$	271,500
Capital Outlay		\$	0
Conviction Reports		\$	303,651
State Patrol Posts Repairs and Maintenance		\$	34,900
Driver License Processing		\$	2,961,134
Total Funds Budgeted		\$	23,225,993
Indirect DOAS Service Funding		\$	0
State Funds Budgeted		\$	23,225,993
Departmental Functional Budgets			
		<u>Total Funds</u>	<u>State Funds</u>
Administration	\$	19,334,349	\$ 17,834,349
Driver Services	\$	23,225,993	\$ 23,225,993
Field Operations	\$	59,718,474	\$ 59,568,474
Total	\$	102,278,816	\$ 100,628,816
B. Budget Unit: Units Attached for Administrative Purposes Only			\$ 14,162,878
Attached Units Budget:			
Personal Services		\$	8,147,049
Regular Operating Expenses		\$	2,608,334
Travel		\$	97,663
Motor Vehicle Purchases		\$	0
Equipment		\$	217,303
Computer Charges		\$	153,819
Real Estate Rentals		\$	154,997
Telecommunications		\$	172,113
Per Diem, Fees and Contracts		\$	524,390
Highway Safety Grants		\$	2,425,200
Peace Officers Training Grants		\$	3,536,527
Capital Outlay		\$	0
Total Funds Budgeted		\$	18,037,395
State Funds Budgeted		\$	14,162,878
Departmental Functional Budgets			
		<u>Total Funds</u>	<u>State Funds</u>
Office of Highway Safety	\$	3,051,769	\$ 327,252
Georgia Peace Officers Standards and Training	\$	1,417,555	\$ 1,417,555
Police Academy	\$	1,179,198	\$ 1,089,198
Fire Academy	\$	1,133,947	\$ 1,023,947
Georgia Firefighters Standards and Training Council	\$	464,482	\$ 464,482
Georgia Public Safety Training Facility	\$	10,790,444	\$ 9,840,444
Total	\$	18,037,395	\$ 14,162,878

Section 25. Public School Employees'

Retirement System.Budget Unit: Public School Employees'
Retirement

System	\$	15,110,000
Payments to Employees' Retirement System	\$	575,000
Employer Contributions	\$	14,535,000
Total Funds Budgeted	\$	15,110,000
State Funds Budgeted	\$	15,110,000

Section 26. Public Service Commission.

Budget Unit: Public Service Commission	\$	8,482,241
Personal Services	\$	7,389,185
Regular Operating Expenses	\$	643,921
Travel	\$	277,556
Motor Vehicle Purchases	\$	204,500
Equipment	\$	61,826
Computer Charges	\$	399,811
Real Estate Rentals	\$	330,108
Telecommunications	\$	158,378
Per Diem, Fees and Contracts	\$	1,266,590
Total Funds Budgeted	\$	10,731,875
State Funds Budgeted	\$	8,482,241

Departmental Functional Budgets

		<u>Total Funds</u>	<u>State Funds</u>
Administration	\$	2,185,724	\$ 2,185,724
Transportation	\$	3,561,341	\$ 1,541,099
Utilities	\$	4,984,810	\$ 4,755,418
Total	\$	10,731,875	\$ 8,482,241

Section 27. Board of Regents, University System of Georgia.

A. Budget Unit: Resident Instruction	\$	1,301,019,052
Personal Services:		
Educ., Gen., and Dept. Svcs	\$	1,346,731,158
Sponsored Operations	\$	204,900,000
Operating Expenses:		
Educ., Gen., and Dept. Svcs	\$	333,095,456
Sponsored Operations	\$	146,225,000
Special Funding Initiative	\$	19,622,118
Office of Minority Business Enterprise	\$	1,491,151
Student Education Enrichment Program	\$	351,860
Forestry Research	\$	741,611
Research Consortium	\$	48,453,064
Capital Outlay	\$	5,439,000
Total Funds Budgeted	\$	2,107,050,418
Departmental Income	\$	42,000,000
Sponsored Income	\$	351,125,000
Other Funds	\$	409,866,866
Indirect DOAS Services Funding	\$	3,039,500

State Funds Budgeted		\$ 1,301,019,052
B. Budget Unit: Regents Central Office and Other		
Organized		\$ 183,568,855
Activities		
Personal Services:		
Educ., Gen., and Dept. Svcs	\$	278,772,057
Sponsored Operations	\$	70,533,799
Operating Expenses:		
Educ., Gen., and Dept. Svcs	\$	128,847,146
Sponsored Operations	\$	42,274,927
Fire Ant and Environmental Toxicology Research	\$	0
Agricultural Research	\$	2,497,965
Advanced Technology Development Center/Economic Development Institute	\$	14,189,218
Capitation Contracts for Family Practice Residency	\$	3,864,204
Residency Capitation Grants	\$	2,119,378
Student Preceptorships	\$	146,400
Mercer Medical School Grant	\$	7,210,000
Morehouse School of Medicine Grant	\$	6,494,890
Capital Outlay	\$	0
Center for Rehabilitation Technology	\$	3,049,004
SREB Payments	\$	4,653,750
Medical Scholarships	\$	1,386,882
Regents Opportunity Grants	\$	600,000
Regents Scholarships	\$	200,000
Rental Payments to Georgia Military College	\$	1,273,869
CRT Inc. Contract at Georgia Tech Re- search Institute	\$	193,815
Direct Payments to the Georgia Public Telecommunications Commission for Operations	\$	17,415,057
Total Funds Budgeted	\$	585,722,361
Departmental Income	\$	0
Sponsored Income	\$	120,300,272
Other Funds	\$	281,309,734
Indirect DOAS Services Funding	\$	543,500
State Funds Budgeted	\$	183,568,855
Regents Central Office and Other Organized Activities		
	<u>Total Funds</u>	<u>State Funds</u>
Marine Resources Extension Center	\$ 2,297,115	\$ 1,458,968
Skidaway Institute of Oceanography	\$ 4,929,365	\$ 1,697,372
Marine Institute	\$ 1,568,456	\$ 1,005,675
Georgia Tech Research Institute	\$ 107,087,281	\$ 9,211,977
Education Extension Services	\$ 14,189,218	\$ 7,061,177

Agricultural Experiment Station	\$ 69,322,582	\$ 40,136,393
Cooperative Extension Service	\$ 55,926,738	\$ 32,518,352
Medical College of Georgia Hospital and Clinics	\$ 262,074,410	\$ 33,608,599
Veterinary Medicine Experiment Station	\$ 2,984,133	\$ 2,984,133
Veterinary Medicine Teaching Hospital	\$ 5,118,005	\$ 535,878
Joint Board of Family Practice	\$ 25,427,456	\$ 25,427,456
Georgia Radiation Therapy Center	\$ 3,413,908	\$ 0
Athens and Tifton Veterinary Laboratories	\$ 3,491,531	\$ 137,561
Regents Central Office	\$ 27,892,163	\$ 27,785,314
Total	\$ 585,722,361	\$ 183,568,855

C. Budget Unit: Georgia Public Telecommunications

Commission	\$ 0
Personal Services	\$ 9,906,134
Operating Expenses	\$ 20,071,586
Total Funds Budgeted	\$ 29,977,720
Other Funds	\$ 29,977,720
State Funds Budgeted	\$ 0
D. Budget Unit: Lottery for Education	\$ 35,054,422
Equipment, Technology and Construction Trust Fund	\$ 15,000,000
Georgia Public Telecommunications Commission	\$ 1,500,000
Internet Connection Initiative	\$ 6,454,422
Special Funding Initiatives	\$ 12,100,000
Total Funds Budgeted	\$ 35,054,422
Lottery Funds Budgeted	\$ 35,054,422

Section 28. Department of Revenue.

Budget Unit: Department of Revenue	\$ 103,880,873
Personal Services	\$ 60,489,292
Regular Operating Expenses	\$ 5,221,372
Travel	\$ 1,366,540
Motor Vehicle Purchases	\$ 120,000
Equipment	\$ 410,048
Computer Charges	\$ 12,600,530
Real Estate Rentals	\$ 2,886,194
Telecommunications	\$ 2,711,370
Per Diem, Fees and Contracts	\$ 1,250,237
County Tax Officials/Retirement and FICA	\$ 4,172,795
Grants to Counties/Appraisal Staff	\$ 0
Motor Vehicle Tags and Decals	\$ 2,642,850
Postage	\$ 3,506,810
Investment for Modernization	\$ 11,881,290
Total Funds Budgeted	\$ 109,259,328
Indirect DOAS Services Funding	\$ 3,845,000
State Funds Budgeted	\$ 103,880,873
Departmental Functional Budgets	

Total Funds

State Funds

Departmental Administration	\$	19,736,656	\$	19,736,656
Internal Administration	\$	11,643,171	\$	11,493,171
Electronic Data Processing	\$	11,635,054	\$	10,619,854
Field Services	\$	16,553,073	\$	16,413,073
Income Tax Unit	\$	8,174,335	\$	7,874,335
Motor Vehicle Unit	\$	17,583,288	\$	16,283,288
Central Audit Unit	\$	8,187,047	\$	8,187,047
Property Tax Unit	\$	4,959,156	\$	3,225,701
Sales Tax Unit	\$	4,021,076	\$	3,921,076
State Board of Equalization	\$	23,103	\$	23,103
Taxpayer Accounting	\$	4,204,944	\$	3,565,144
Alcohol and Tobacco	\$	2,538,425	\$	2,538,425
Total	\$	109,259,328	\$	103,880,873

Section 29. Secretary of State.

A. Budget Unit: Secretary of State		\$	28,787,000
Personal Services		\$	17,742,115
Regular Operating Expenses		\$	3,156,655
Travel		\$	239,500
Motor Vehicle Purchases		\$	175,019
Equipment		\$	89,990
Computer Charges		\$	2,789,487
Real Estate Rentals		\$	2,402,255
Telecommunications		\$	845,850
Per Diem, Fees and Contracts		\$	1,726,594
Election Expenses		\$	664,535
Total Funds Budgeted		\$	29,832,000
State Funds Budgeted		\$	28,787,000
Departmental Functional Budgets			

		<u>Total Funds</u>		<u>State Funds</u>
Internal Administration	\$	3,569,578	\$	3,539,578
Archives and Records	\$	4,822,902	\$	4,747,902
Business Services and Regulation	\$	4,553,807	\$	3,783,807
Elections and Campaign Disclosure	\$	4,629,248	\$	4,609,248
Drugs and Narcotics	\$	1,235,085	\$	1,235,085
State Ethics Commission	\$	387,907	\$	387,907
State Examining Boards	\$	10,532,499	\$	10,382,499
Holocaust Commission	\$	100,974	\$	100,974
Total	\$	29,832,000	\$	28,787,000
B. Budget Unit: Real Estate Commission			\$	2,235,046
Personal Services			\$	1,344,466
Regular Operating Expenses			\$	167,500
Travel			\$	15,000
Motor Vehicle Purchases			\$	25,000
Equipment			\$	9,630
Computer Charges			\$	333,150
Real Estate Rentals			\$	165,300
Telecommunications			\$	42,000
Per Diem, Fees and Contracts			\$	133,000
Total Funds Budgeted			\$	2,235,046
State Funds Budgeted			\$	2,235,046

Departmental Functional Budgets

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	State Funds	Cost of Operations
Real Estate Commission	\$ 2,235,046	\$ 2,275,046

Section 30. Soil and Water Conservation Commission.

Budget Unit: Soil and Water Conservation Commission		\$ 2,132,890
Personal Services		\$ 1,277,680
Regular Operating Expenses		\$ 241,858
Travel		\$ 38,568
Motor Vehicle Purchases		\$ 13,078
Equipment		\$ 11,669
Computer Charges		\$ 45,776
Real Estate Rentals		\$ 106,062
Telecommunications		\$ 36,576
Per Diem, Fees and Contracts		\$ 549,905
County Conservation Grants		\$ 174,418
Total Funds Budgeted		\$ 2,495,590
State Funds Budgeted		\$ 2,132,890

Section 31. Student Finance Commission.

A. Budget Unit: Student Finance Commission		\$ 34,167,303
Personal Services		\$ 444,058
Regular Operating Expenses		\$ 15,000
Travel		\$ 16,000
Motor Vehicle Purchases		\$ 17,000
Equipment		\$ 3,100
Computer Charges		\$ 13,822
Real Estate Rentals		\$ 40,000
Telecommunications		\$ 12,000
Per Diem, Fees and Contracts		\$ 50,000
Payment of Interest and Fees		\$ 0
Guaranteed Educational Loans		\$ 4,739,075
Tuition Equalization Grants		\$ 26,264,000
Student Incentive Grants		\$ 1,221,380
Law Enforcement Personnel Dependents' Grants		\$ 86,000
North Georgia College ROTC Grants		\$ 337,500
Osteopathic Medical Loans		\$ 100,000
Georgia Military Scholarship Grants		\$ 808,368
Paul Douglas Teacher Scholarship Loans		\$ 0
Total Funds Budgeted		\$ 34,167,303
State Funds Budgeted		\$ 34,167,303

Departmental Functional Budgets

	Total Funds	State Funds
Georgia Student Finance Authority	\$ 33,556,323	\$ 33,556,323
Georgia Nonpublic Postsecondary Education		

Commission	\$	610,980	\$	610,980
Total	\$	34,167,303	\$	34,167,303
<u>B. Budget Unit: Lottery for Education</u>				
HOPE Financial Aid Tuition			\$	95,910,165
HOPE Financial Aid Books			\$	26,643,606
HOPE Financial Aid Fees			\$	20,946,256
Tuition Equalization Grants			\$	21,051,971
Hope Scholarships Private Colleges			\$	27,180,000
Georgia Military College Scholarship			\$	640,200
LEPD Scholarship			\$	249,736
Teacher Scholarships			\$	9,800,000
Promise Scholarships			\$	903,446
Engineer Scholarships			\$	570,000
Total Funds Budgeted			\$	203,895,380
Lottery Funds Budgeted			\$	203,895,380

Section 32. Teachers' Retirement System.

Budget Unit: Teachers' Retirement System			\$	4,070,000
Personal Services			\$	5,544,716
Regular Operating Expenses			\$	378,425
Travel			\$	20,500
Motor Vehicle Purchases			\$	0
Equipment			\$	14,300
Computer Charges			\$	815,736
Real Estate Rentals			\$	518,566
Telecommunications			\$	190,302
Per Diem, Fees and Contracts			\$	335,650
Retirement System Members			\$	3,750,000
Floor Fund for Local Retirement Systems			\$	320,000
Total Funds Budgeted			\$	11,888,195
State Funds Budgeted			\$	4,070,000

Section 33. Department of Technical and Adult Education.

<u>A. Budget Unit: Department of Technical and</u>				
	Adult Education		\$	236,350,565
Personal Services			\$	5,632,485
Regular Operating Expenses			\$	596,890
Travel			\$	161,380
Motor Vehicle Purchases			\$	0
Equipment			\$	187,271
Real Estate Rentals			\$	653,288
Per Diem, Fees and Contracts			\$	794,575
Computer Charges			\$	912,165
Telecommunications			\$	129,033
Salaries and Travel of Public Librarians			\$	14,458,836
Public Library Materials			\$	16,098,788
Talking Book Centers			\$	1,062,342

Public Library Maintenance and Operation	\$	5,749,075
Capital Outlay	\$	0
Personal Services-Institutions	\$	172,937,986
Operating Expenses-Institutions	\$	48,866,744
Area School Program	\$	6,137,718
Adult Literacy Grants	\$	18,962,976
Regents Program	\$	3,584,407
Quick Start Program	\$	10,030,398
Total Funds Budgeted	\$	306,956,357
State Funds Budgeted	\$	236,350,565

Departmental Functional Budgets

	<u>Total Funds</u>	<u>State Funds</u>
Administration	\$ 9,067,087	\$ 5,983,437
Institutional Programs	\$ 297,889,270	\$ 230,367,128
Total	\$ 306,956,357	\$ 236,350,565
B. Budget Unit: Lottery for Education		\$ 5,441,500
Computer Laboratories and Satellite Dishes-Adult Literacy		\$ 1,040,000
Capital Outlay Technical Institute Satellite Facilities		\$ 0
Equipment-Technical Institutes		\$ 4,401,500
Repairs and Renovations Technical Institutes		\$ 0
Total Funds Budgeted		\$ 5,441,500
Lottery Funds Budgeted		\$ 5,441,500

Section 34. Department of Transportation.

Budget Unit: Department of Transportation	\$	606,922,083
Personal Services	\$	252,148,343
Regular Operating Expenses	\$	58,974,281
Travel	\$	1,894,091
Motor Vehicle Purchases	\$	2,000,000
Equipment	\$	7,011,553
Computer Charges	\$	8,399,287
Real Estate Rentals	\$	1,341,373
Telecommunications	\$	2,769,833
Per Diem, Fees and Contracts	\$	38,764,367
Capital Outlay	\$	802,982,528
Capital Outlay Airport Approach Aid and Operational Improvements	\$	1,001,874
Capital Outlay Airport Development	\$	1,589,992
Special Airport Development Program	\$	35,000,000
Mass Transit Grants	\$	10,942,422
Harbor Maintenance/Intra-Coastal Waterways Maintenance and Operations	\$	780,000

Contracts with the Georgia Rail Passenger Authority		\$	4,550,000
Total Funds Budgeted		\$	1,230,149,944
State Funds Budgeted		\$	606,922,083
<u>Departmental Functional Budgets</u>			
<u>Motor Fuel Tax Budget</u>		<u>Total Funds</u>	<u>State Funds</u>
Planning and Construction	\$	886,176,749	\$ 287,175,190
Maintenance and Betterments	\$	244,240,628	\$ 231,816,643
Facilities and Equipment	\$	12,932,803	\$ 12,372,803
Administration	\$	29,093,905	\$ 28,310,230
Total	\$	1,172,444,085	\$ 559,674,866
<u>General Funds Budget</u>			
Planning and Construction	\$	0	\$ 0
Air Transportation	\$	1,871,114	\$ 1,451,103
Inter-Modal Transfer Facilities	\$	55,054,745	\$ 45,016,114
Harbor/Intra-Coastal Waterways Activities	\$	780,000	\$ 780,000
Total	\$	57,705,859	\$ 47,247,217
<u>Section 35. Department of Veterans Service.</u>			
Budget Unit: Department of Veterans Service		\$	20,481,548
Personal Services		\$	5,156,689
Regular Operating Expenses		\$	180,263
Travel		\$	92,245
Motor Vehicle Purchases		\$	0
Equipment		\$	201,495
Computer Charges		\$	20,400
Real Estate Rentals		\$	248,700
Telecommunications		\$	67,500
Per Diem, Fees and Contracts		\$	14,158,810
Capital Outlay		\$	686,260
Operating Expense/Payments to Medical College of Georgia		\$	7,420,422
Regular Operating Expenses for Projects and Insurance		\$	498,100
Total Funds Budgeted		\$	28,730,884
State Funds Budgeted		\$	20,481,548
<u>Departmental Functional Budgets</u>			
		<u>Total Funds</u>	<u>State Funds</u>
Veterans Assistance	\$	21,259,462	\$ 15,548,518
Veterans Nursing Home-Augusta	\$	7,471,422	\$ 4,933,030
Total	\$	28,730,884	\$ 20,481,548
<u>Section 36. Workers' Compensation Board.</u>			
Budget Unit: Workers' Compensation Board		\$	10,918,457

Personal Services	\$	8,826,969
Regular Operating Expenses	\$	407,287
Travel	\$	111,345
Motor Vehicle Purchases	\$	0
Equipment	\$	5,160
Computer Charges	\$	315,919
Real Estate Rentals	\$	1,079,835
Telecommunications	\$	166,902
Per Diem, Fees and Contracts	\$	195,040
Payments to State Treasury	\$	0
Total Funds Budgeted	\$	11,108,457
State Funds Budgeted	\$	10,918,457

Section 37. State of Georgia General Ob-
ligation

Debt Sinking Fund.

A. Budget Unit: State of Georgia General
Obligation

Debt Sinking

Fund

State General Funds (Issued)	\$	535,020,426
Motor Fuel Tax Funds (Issued)	\$	35,000,000
	\$	570,020,426

B. Budget Unit: State of Georgia General
Obligation

Debt Sinking

Fund

State General Funds (New)	\$	26,104,602
Motor Fuel Tax Funds (New)	\$	0
	\$	26,104,602

Section 38. Provisions Relative to Section 3,
Judicial Branch.

The appropriations in Section 3 (Judicial) of this Act are for the cost of operating the Supreme Court of the State of Georgia, including salaries and retirement contributions for Justices and the employees of the Court, including the cost of purchasing and distributing the reports (decisions) of the appellate courts to the Judges, District Attorneys, Clerks, and others as required by Code Section 50-18-31, and including Georgia's pro rata share for the operation of the National Center for State Courts; cost of operating the Court of Appeals of the State of Georgia, including salaries and retirement contributions for judges and employees of the Court; cost of operating the Superior Courts of the State of Georgia, including the payment of Judges' salaries, the payment of mileage authorized by law and such other salaries and expenses as may be authorized by law; for the payment of salaries, mileage and other expenses as may be authorized by law for District Attorneys, Assistant District Attorneys and District Attorneys Emeritus; for the cost of staffing and operating the Prosecuting Attorneys' Council created by Code Section 15-18-40, the Sentence Review Panel created by Code Section 17-10-6, the Council of Superior Court Judges, and the Judicial Administrative Districts created by Code Section 15-5-2, for the latter of which funds shall be allocated to the ten administrative districts by the Chairman of the Judicial Council; cost of operating the Council of Juvenile Court Judges created by Code Section 15-11-4; cost of staffing and operating the In-

stitute of Continuing Judicial Education and the Georgia Magistrate Courts Training Council created by Code Section 15-10-132; cost of operating the Judicial Council of the State of Georgia, the Administrative Office of the Courts, the Board of Court Reporting of the Judicial Council, the Georgia Courts Automation Commission and the Office of Dispute Resolution, and for payments to the Council of Magistrate Court Judges, the Council of Probate Court Judges and the Council of State Court Judges.

Section 39. Provisions Relative to Section 4,

Department of Administrative Services.

It is the intent of the General Assembly that all future purchases of radio and related equipment must be compatible with the 800 mhz system. Purchases must be approved by the Office of Planning and Budget and the Department of Administrative Services.

Section 40. Provisions Relative to Section 7,

Department of Community Affairs.

Provided, that the funds appropriated herein to the Georgia Environmental Facilities Authority for loans shall be available for nominal or no interest loans to counties, municipalities, local water or sewer authorities, boards or political subdivisions created by the General Assembly or pursuant to the Constitution and laws of the state for emergency-type water and sewer projects.

Provided, that from the appropriation made above for "Local Assistance Grants", specific, mandatory appropriations pursuant to O.C.G.A. 50-8-8(a) are made as follows:

<u>Recipient</u>	<u>Purpose</u>	<u>Amount</u>
City of Warner Robins	Operating funds for the Aviation Museum	\$ 90,000
City of Atlanta	Operation of the School of Library and Information Services Graduate Program Clark Atlanta University	\$ 325,000
Whitfield County	Funds for Automated Fingerprint and Information System in Whitfield County	\$ 110,000
Richmond County	Funds for Automated Fingerprint and Information System in Richmond County	\$ 110,000
Bibb County	Funds for Automated Fingerprint and Information System in Bibb County	\$ 110,000
Muscogee County	Funds for Automated Fingerprint and Information System in Muscogee County	\$ 110,000
Clark County	Funds for Automated Fingerprint and Information System in Clark County	\$ 110,000
Fulton County Development Authority	Funds for Fulton County Development Authority for a business assistance project	\$ 525,000
City of Albany	Funds for the planning and design of the Flint River Center	\$ 1,447,727
Effingham County Board of Education	Media Centers for Effingham County School Systems	\$ 40,000
Cobb County	For Campbell High School athletic facility	\$ 5,000

Cobb County	Computer equipment for King Springs Elementary	\$	15,000
Cobb County	Operation of the Blind and Low Vision Program	\$	5,000
City of Lilburn	Park improvements for the City of Lilburn	\$	10,000
City of Jeffersonville	Improvements to City of Jeffersonville facilities	\$	20,000
Jones County	Equipment for the Jones County Fire Department	\$	20,000
Jefferson County	Purchase computers for Jefferson County Sheriff's Department	\$	20,000
DeKalb County	Operating funds for South East YMCA	\$	30,000
Fulton County	Operation of St. Judes Recovery Center	\$	25,000
City of Quitman	Improvements to City of Quitman City Park	\$	30,000
Echols County Board of Education	Repairs to Echols County High School gymnasium	\$	20,000
City of Kennesaw	Improvements to baseball stadium in City of Kennesaw	\$	20,000
City of Pearson	Improvements to City of Pearson recreational facilities	\$	7,500
City of Willacoochee	Improvements to Willacoochee City Hall	\$	7,500
City of Clarkston	Repairs to Clarkston City Hall	\$	10,000
City of Warner Robins	Mission Quest Flight Simulator Center at the Museum of Aviation	\$	450,000
Tattnall County Board of Education	Operation of Tattnall County Health Outreach Program	\$	10,000
Pike County	Construction of tennis courts for Pike County	\$	25,000
Newton County	Purchase recreation equipment for Newton County	\$	5,000
Fulton County	Operation of Fulton County Horticulture Program	\$	10,000
DeKalb County Board of Education	Operation of Forest Hills Elementary School after school program	\$	3,000
DeKalb County	Operation of Midway Park Little League Program	\$	3,000
DeKalb County	Operation of The Arts Exchange Summer Camp	\$	4,000
DeKalb County	Operation of the South DeKalb Choir	\$	5,000
Murray County	Construction of Murray County Animal Shelter	\$	15,000
Columbia County	Operation of Columbia County Historical Society	\$	7,500
McDuffie County	Operation of McDuffie County Historical Society	\$	7,500

Henry County	Paving for Hidden Valley Park	\$	5,000
Atlanta-Fulton Public Library Foundation	Purchase computer equipment and materials for Roswell Regional Library	\$	20,000
Dekalb County	Operation of Youth Prevention Program	\$	5,000
Gwinnett County	Construction of Fallen Heroes Park Monument	\$	25,000
Troup County	Operation of Troup Harris Coweta Regional Library	\$	5,000
Coweta County	Coweta County playground equipment for handicapped children	\$	5,000
City of Tignall	Purchase fire department equipment for City of Tignall	\$	5,000
Fulton County	Operation of Fulton County Library Foundation Roswell	\$	20,000
Hall County	Operation of Hall County Humane Society	\$	5,000
Cobb County Board of Education	Outdoor classroom for Cobb County School System	\$	15,000
Bacon County	Operation of Bacon County Airport	\$	5,000
City of Tybee	Tybee Island Lighthouse	\$	5,000
City of Berlin	Operating expenses for the City of Berlin	\$	5,000
Macon County	For the Macon County Public Safety and Civil Defense Facility	\$	7,000
Gwinnett County Board of Education	Equipment for Meadowcreek High School	\$	25,000
Wilkes County	Purchase equipment for Wilkes County EMS	\$	5,000
Clarke County	Operation of the Athens-Clarke County after school program	\$	20,000
City of Dalton	Operation of the Northwest Georgia Girls Home	\$	30,000
Cobb County	Construct physical education facility at Pebblebrook High School	\$	35,000
City of Kennesaw	Renovation of Old Fire Station into recreational facility	\$	10,000
City of Acworth	Renovation of Acworth Coats and Clark Ballfield	\$	10,000
Wilkes County	Wilkes County Airport Development	\$	35,250
Cobb County Board of Education	Construction of South Cobb High School Athletic Field House	\$	75,000
City of Hazelhurst	Construct an asphalt recycling plant in Hazelhurst	\$	250,000
City of Augusta	Plan and design of the renovation of the Warren A. Candler Building	\$	950,000
Lamar County	Construct an agricultural livestock facility	\$	300,000

City of Trenton	Renovation to convert Trenton City pool to indoor pool	\$	10,000
City of Lafayette	Construction of bathroom facilities and recreation improvements for City of Lafayette recreation department	\$	15,000
Walker County	Renovation to ball fields for Naomi Community	\$	10,000
Walker County	Wallaceville Community Center operations	\$	10,000
City of Chickamauga	Renovation of park at Crawfish Springs	\$	10,000
City of Fort Oglethorpe	Fort Oglethorpe fire department improvements and community downtown project	\$	10,000
Murray County	Remodeling of the Chamber of Commerce Building in City of Chatsworth	\$	25,000
Lumpkin County	Construction of natural gas lines to Lumpkin County Industrial Park	\$	20,000
Gilmer County	Restore and microfilm Gilmer County court records	\$	25,000
Fannin County	Renovate Fannin/Gilmer County Humane Shelter	\$	10,000
Rabun County	Equipment and operations for Mountain City, Youth and Rescue	\$	50,000
Union County	Recreation concession stand for Union County	\$	15,000
Towns County	To purchase an emergency generator for Towns County	\$	14,000
White County	Operation of White County Recreation Board	\$	17,500
White County	Operation of White County Library	\$	6,500
City of Fairmont	To purchase frontend loader for City of Fairmont	\$	24,000
Gordon County	Purchase of van for transport of clients to Gordon County Training Center	\$	26,000
Gordon County	Calhoun- Gordon County Council on Battered Women, Inc. for repairs and ADA improvements to Battered Women's Shelter	\$	10,000
City of Adairsville	Renovations and repairs to the City of Adairsville Police Department	\$	25,000
City of Cave Spring	Replacement of Cave Spring sewer lines and repairs to water system in Rolator Park	\$	50,000
City of Bremen	Operation of recreation program at City of Bremen	\$	15,000
City of Buchanan	Operation of recreation program at City of Buchanan	\$	15,000
City of Tallapoosa	Operation of recreation program at City of Tallapoosa	\$	15,000

City of Waco	Operation of recreation program at City of Waco	\$	15,000
Haralson County	Operation of recreation program at Haralson County	\$	15,000
Hall County	Construction of new shelter for Hall County Humane Society	\$	50,000
Stephens County	Operation of Northeast Georgia Boys and Girls Club	\$	5,000
City of Toccoa	Equipment for Police Department for City of Toccoa	\$	15,000
Banks County	Operation/equipment for Banks County volunteer fire department	\$	10,000
Stephens County	Equipment for fire, recreation and sheriffs departments of Stephens County	\$	30,000
City of Bowersville	Operation of water system for City of Bowersville	\$	10,000
City of Franklin Springs	Improvements to City of Franklin Springs water system	\$	20,000
City of Canon	City of Canon park improvements	\$	20,000
Hart County Board of Education	Purchase of uniforms and equipment for County High School band	\$	20,000
Franklin County Board of Education	Replacement of boiler and equipment for cannery in Franklin County	\$	5,000
City of Kingston	Completion of annex to Kingston Women's Club Museum	\$	25,000
City of Smyrna	City of Smyrna for operation of blind/low vision services	\$	10,000
Cobb County Board of Education	King Springs Elementary School-purchase computer and technology equipment	\$	15,000
City of Smyrna	Restoration and preservation of historical site in Smyrna	\$	25,000
Cobb County	Operation of Cobb County Youth Museum	\$	25,000
City of Marietta	Marietta Museum of History-repairs to historical building	\$	10,000
City of Marietta	Maintenance plan for grounds at Marietta Confederate Cemetery	\$	25,000
City of Acworth	For recreation fields and parking lots at Pop Willis Field in City of Acworth	\$	25,000
City of Kennesaw	Improvements to railroad crossings in City of Kennesaw	\$	9,000
City of Kennesaw	Design and renovation of Old Kennesaw Elementary School	\$	20,000
Cobb County Board of Education	Construction of outdoor classroom for Blackwell Elementary School	\$	10,000

Cobb County Board of Education	Purchase computers for Sprayberry High School	\$	10,000
Cobb County Board of Education	Lassiter High School-improvements to restroom facilities in stadium and physical education fields	\$	10,000
Cobb County Board of Education	Additional lighting in hallways and gym for Daniell Middle School	\$	10,000
Cobb County Board of Education	Paving at Lassiter High School stadium and girls' softball field	\$	10,000
City of Alpharetta	Construction of a building for the Alpharetta Environmental Education Center	\$	25,000
City of Alpharetta	Equipment and renovations for Alpharetta Police Youth Athletic League	\$	10,000
Fulton County Schools	Renovation and improvements to outdoor environmental education classrooms at Dolvin and Finley Oaks elementary schools	\$	15,000
Fulton County	Expansion and renovation of the Williams- Payne Museum	\$	15,000
Fulton County	Operation of Georgia Council for the Hearing Impaired, Inc.	\$	10,000
Fulton County	Operation of ACHOR Center	\$	50,000
City of Atlanta	Operation of Basketball, Inc. after school tutorial program	\$	40,000
City of Atlanta	Operation of West Hunter St. Baptist Church after school tutorial and athletics program	\$	25,000
City of Atlanta	To operate Beulah Baptist Church Saturday School Tutorial	\$	10,000
City of Atlanta	Renovation of House of Hope Mission	\$	40,000
City of Atlanta	Operation of Springs of Life Family Life Program	\$	35,000
City of East Point	To operate City East Point swimming pool	\$	50,000
DeKalb County	Repair of storm water pipes at Zonolite Drive Industrial Park	\$	20,000
City of Clarkston	Renovation of Arts and Cultural Center at Old Clarkston High School	\$	35,000
City of Atlanta	Renovate facilities, purchase recreation equipment and operate after school tutorial/care at East Atlanta YMCA	\$	50,000
DeKalb County	Repairs for Shoal Creek Park field house and installation of bleachers at Little League Park	\$	18,000

DeKalb County	To assist various DeKalb County communities with beautification clean up	\$	15,000
DeKalb County Board of Education	To operate the School of Excellence-Star Jacket Awards Program and replace old gym equipment at Columbia High School	\$	5,000
DeKalb County Board of Education	Purchase of instruments for Towers High School Band	\$	5,000
City of Decatur	To operate Decatur Arts Academy summer programs for middle school youth	\$	10,000
DeKalb County	Feasibility study for Dekalb County Convention Center	\$	40,000
DeKalb County	Operations of South DeKalb Community Development Corporation	\$	5,000
DeKalb County	To operate and equip the Royal Ambassadors Program	\$	5,000
DeKalb County	Operations of Gresham Park Baseball and Softball Association	\$	25,000
DeKalb County	To furnish the Comprehensive Addiction Rehabilitation Program medical clinic	\$	5,000
Gwinnett County Board of Education	Renovation and expansion of Parkview High School Stadium	\$	35,000
Gwinnett County Board of Education	Operations of Meadowbrook High School athletic fields	\$	25,000
City of Duluth	Develop and complete recreational fields at Duluth City Park	\$	40,000
City of Buford	Grading for new school in City of Buford	\$	20,000
Gwinnett County	Physical education facilities at Lanier Middle School	\$	15,000
Gwinnett County	Operations of North Gwinnett Girls' Softball Field	\$	25,000
City of Social Circle	Renovation at historic Gunter Hall	\$	7,000
Clarke County Board of Education	Operations of Safe Campuses Now	\$	40,000
Clarke County Board of Education	Foreign language classes at David C. Barrow Elementary School	\$	25,000
Clarke County	To provide a security fence at Hope Haven facility in Clarke County	\$	12,000
City of Athens	To operate Project Grand Slam in Clarke County	\$	5,000
Clarke County	Athens Tutorial Program after school activity	\$	15,000

Clarke County	Operations of The Creative Visions Foundation, Inc	\$	10,000
City of Tignall	Repair/renovation of City of Tignall community center	\$	5,000
Lincoln County	Fence/restoration of log cabin in Lincoln County historical park	\$	15,000
Wilkes County Board of Education	Lighting for Wilkes County High School baseball field	\$	20,000
Lincoln County	Planning for Lincoln County Economic Development	\$	20,000
Morgan County	Operation of Agricultural Center in Morgan County	\$	100,000
Newton County	Renovation to historic Gaither Plantation	\$	50,000
Newton County	Playground equipment for Newton County	\$	5,000
Clayton County Board of Education	Operating funds for athletic program at Riverdale Middle School	\$	5,000
Clayton County Board of Education	To purchase band uniforms at North Clayton High School	\$	10,000
Clayton County Board of Education	Playground equipment for Church St Elementary School	\$	5,000
Clayton County Board of Education	Playground equipment-Northcutt Elementary School	\$	5,000
Clayton County Board of Education	Operating funds for athletic program and band uniforms for Riverdale High School	\$	10,000
Clayton County Board of Education	Playground equipment-E. W. Oliver Elementary	\$	5,000
Clayton County Board of Education	Operating funds for athletic program-North Clayton High School	\$	10,000
Clayton County Board of Education	Playground equipment for West Clayton Elementary School	\$	5,000
Clayton County Board of Education	Playground equipment for Riverdale Elementary School	\$	5,000
Clayton County Board of Education	Operating funds for athletic program at North Clayton Middle School	\$	5,000
Clayton County	Operations of Alzheimers home in Clayton County	\$	75,000

Clayton County	Operations of Calvary Refuge Homeless Shelter	\$	25,000
Carroll County Board of Education	Operations of athletic complex at Villa Rica High School	\$	10,000
Carroll County Board of Education	Operations of athletic complex at Mt. Zion High School	\$	10,000
Carroll County	Operations of athletic complex at Carroll County Recreation Department	\$	25,000
Coweta County	Purchase of eight defibrillators for Coweta County Fire Department	\$	20,000
City of Newnan	To restore railroad depot for Newnan-Coweta Historical Society	\$	10,000
City of McDonough	Infrastructure improvements for stormwater drainage for City of McDonough	\$	10,000
Henry County	Lighting and asphalt paving on tennis courts at Hidden Valley Park	\$	10,000
City of Stockbridge	New park facility for City of Stockbridge	\$	10,000
Butts County	Purchase video cameras and radar for Butts County sheriff department	\$	14,500
City of Flovilla	Install emergency generator in City of Flovilla Fire Department	\$	20,000
City of Locust Grove	Purchase in-car cameras for patrol cars for City of Locust Grove	\$	24,000
City of Culloden	Culloden community center/historic schoolhouse renovation	\$	25,000
Jasper County Board of Education	Jasper County athletic facility renovations and band uniforms	\$	30,000
City of Monticello	City of Monticello park construction/equipment and downtown historic renovations	\$	30,000
Putnam County Recreation Authority	Improvements to recreation facilities in Putnam County	\$	7,500
Oglethorpe County	Renovation to Shaking Rock Park	\$	7,500
Greene County	Renovation to historic Greene County jail	\$	65,000
City of Harlem	Renovation and beautification to entrance ways to City of Harlem	\$	10,000
Columbia County	Purchase playground equipment for Westmont Elementary School	\$	5,000
City of Harlem	Purchase equipment for City of Harlem	\$	10,000
Columbia County	Lights for Lakeside High School baseball field	\$	25,000
Columbia County	Playground equipment for Riverside Park	\$	25,000

Columbia County Board of Education	Landscaping to repair erosion at Bel Air Elementary School	\$	5,000
Richmond County	Renovation to marshal's substation	\$	15,000
Richmond County Board of Education	Equipment for CSRA Law Enforcement Training Center	\$	5,000
Richmond County	Conservation treatment for sixty-two flags and banners in Augusta-Rich- mond County Museum	\$	15,000
Richmond County Board of Education	Purchase a marquee and improve drainage of baseball field of Westside High School in Rich- mond County	\$	5,000
Richmond County	To build a portico onto the Woodrow Wilson House	\$	5,000
Richmond County	Operation of Easter Seals in Richmond County	\$	10,000
City of Augusta	Operation of Woodrow Wilson historic home	\$	100,000
City of Waynesboro	Improve historic/commercial district of City of Waynesboro	\$	50,000
City of Augusta	Operation of health program at Beulau Grove Resource Center	\$	25,000
City of Augusta	Operation of Augusta Richmond Op- portunities Center after school program	\$	25,000
City of Augusta	To construct a recreation complex in east Augusta	\$	50,000
Richmond County Board of Education	Purchase playground equipment for Hephzibah Elementary School	\$	5,000
Glascock County	Operations of the Glascock County rec- reation department	\$	10,000
Warren County	Warren County EMS radio equipment and two external defibrillators	\$	10,000
Glascock County	Glascock County to purchase radar and intoximeter	\$	10,000
Glascock County	Purchase two external defibrillators for Glascock County EMA	\$	3,000
City of Gibson	Purchase and equip surplus vehicle for City of Gibson	\$	10,000
Hancock County	Operate Hancock County recreation programs and summer day camp	\$	10,000
City of Sparta	City of Sparta equipment to lower fire rating	\$	10,000
Washington County	Purchase a Washington County fire truck	\$	40,000
Jefferson County	Purchase of land for a Jefferson County park	\$	100,000

Baldwin County	Improvements at Baldwin recreation department	\$	50,000
Baldwin County	Equipment for new fire station in Baldwin County	\$	25,000
Baldwin County	Design/construct Milledgeville/Baldwin County 2000+ project	\$	20,000
City of Jeffersonville	Develop and plan for addition to Jeffersonville fire station	\$	20,000
Jones County	Replace fire trucks in Jones County	\$	20,000
City of Gordon	Renovation/restoration of old railroad depot in City of Gordon	\$	60,000
Bibb County	Operations of Disabilities Connection	\$	50,000
Bibb County	Operation of Hay House	\$	30,000
Bibb County	Operation of Middle Ga. Council on Drugs	\$	15,000
Bibb County	Operation of Harriet Tubman Museum	\$	25,000
Bibb County	Operation of Macon Little League	\$	15,000
Bibb County	Operation of Booker T. Washington Center	\$	15,000
Peach County	Relocation of waste water lift station and sewer lines in Peach County for City of Byron	\$	75,000
Peach County	Study to determine water and sewer needs of Peach County	\$	25,000
Meriwether County	Operate and equip Meriwether County recreation program	\$	40,000
Meriwether County	Operate/designate FDR/Warm Springs Welcome Center	\$	10,000
Talbot County	Operation of Project Stars in Talbot County	\$	25,000
City of Columbus	Columbus Community Center-Operation of Outreach Program	\$	30,000
City of Columbus	City of Columbus operation of Play and Learn Together Program	\$	15,000
Muscogee County	Operation of Bridge Program (GED)	\$	25,000
Muscogee County	Operation of Summer Tutorial program combined communities	\$	25,000
Muscogee County	Operation of youth and recreation facility	\$	5,000
Muscogee County	Operation of Easter Seals of West Georgia, Inc.	\$	40,000
Muscogee County	Operation of Springer Opera House	\$	75,000
City of Columbus	Operation of Boys Club of Columbus, Inc. outreach program	\$	120,000
Muscogee County	Operation of Columbus Consolidated Government/ Records Management Center	\$	110,000
Muscogee County	Operation of Two Thousand Opportunities Inc.	\$	50,000
Muscogee County	Operation of Liberty Theater	\$	75,000

Muscogee County	Operation of A.J. McClung YMCA after school program	\$	25,000
City of Americus	City of Americus parks renovation	\$	25,000
City of Americus	Renovation of Rylander Theater in City of Americus	\$	75,000
Crisp County	Repair and renovation of the Cordele Little Theater	\$	25,000
City of Unadilla	Improvement to City of Unadilla wastewater treatment operation	\$	25,000
City of Hawkinsville	Purchase equipment and computers for Hawkinsville library	\$	10,000
Pulaski County	Study of consolidation of city/county government in Pulaski County	\$	25,000
Macon County Board of Education	Funds to address and map Macon County	\$	50,000
Houston County	Operation of Perry/Houston County Airport	\$	75,000
Bleckley County Board of Education	Construction of tennis courts in Bleckley/Cochran County	\$	50,000
City of Rentz	Water, sewer and land for new schools in City of Rentz	\$	50,000
Dodge County Board of Education	Band uniforms for Dodge County school	\$	25,000
Bleckley County	Operation of Bleckley County Sheriff's Department	\$	7,500
Dodge County	Operation of Eastman/Dodge County Arts Council	\$	15,000
City of Rhine	Repair to City of Rhine Community Center	\$	5,000
City of Milan	Water and sewer for City of Milan	\$	5,000
Dodge County	Purchase computer equipment for Dodge County	\$	7,500
Dodge County Board of Education	Construct softball fields for Dodge County schools	\$	15,000
Laurens County Board of Education	Replacement of wrestling mats at East Laurens, West Laurens and City of Dublin high schools	\$	25,000
City of East Dublin	Improvements to water and sewer systems in City of East Dublin	\$	25,000
City of Dudley	Funds to purchase land, water and sewer for City of Dudley	\$	50,000
Emanuel County	Purchase equipment for library in Emanuel County	\$	10,000
Emanuel County	Improvements to Emanuel County auditorium and recreation complex	\$	50,000

City of Kite	Improvements to City of Kite recreation complex	\$	5,000
Treutlen County Board of Education	Renovation and improvements to auditorium athletic complex	\$	10,000
City of Twin City	Improvements to Twin City community center	\$	7,500
City of Swainsboro	Renovations to Swainsboro City Hall	\$	10,000
City of Wrightsville	Improvements to Wrightsville recreation complex	\$	7,500
Candler County	Metter/Candler community center - installation of hip roof	\$	20,000
Bullock County	Construct Mill Creek Park picnic pavilion with restrooms	\$	20,000
City of Statesboro	Operation of Statesboro Bulloch recreation department	\$	58,000
City of Springfield	Operation of bi-centennial program in City of Springfield	\$	11,000
Effingham County Board of Education	Establish/improve baseball facilities at Effingham County high schools	\$	20,000
Effingham County	Renovation/relocation of one-room school house	\$	5,000
Effingham County	Purchase an air bag system setup for Faulkville Community	\$	4,000
Effingham County	Purchase a handicap-accessible van for Effingham County	\$	10,000
Effingham County	Renovations to the Effingham County Courthouse	\$	20,000
City of Guyton	Renovate the City of Guyton gymnasium	\$	10,000
City of Savannah	Roof replacement/renovation of King Tisdell/Beach Institute	\$	5,000
City of Savannah	Operations of Chatham/Savannah Youth Services Corp	\$	25,000
Town of Thunderbolt	Purchase fire truck for the Town of Thunderbolt	\$	20,000
City of Savannah	Restoration of steam locomotive	\$	25,000
City of Savannah	Restoration of Old Charity Hospital	\$	10,000
City of Savannah	Restoration of Moses Jackson School	\$	10,000
City of Savannah	Monument in honor of the African American Family	\$	5,000
City of Pooler	Renovation/purchase of recreational equipment for City of Pooler athletic fields	\$	5,000
Chatham County	To purchase recreation equipment for City of Georgetown	\$	5,000
City of Savannah	Renovation of the Carnegie Library	\$	25,000

City of Savannah	Stabilize and restore structures at Central of Georgia Railway National Landmark	\$	25,000
City of Richmond Hill	Computer hardware for Richmond Hill Public Library	\$	6,000
Evans County Board of Education	Purchase of computer hardware for Claxton Public Library	\$	6,000
Tattnall County Board of Education	Computer hardware for Glennville Public Library	\$	6,000
City of Vidalia	Equip/renovate City of Vidalia recreation fields and playground	\$	20,000
City of Lyons	Equip/renovate Partin Park in City of Lyons	\$	20,000
Montgomery County	Renovate City of Mt. Vernon and Montgomery County recreation areas	\$	15,000
Wheeler County	Equip/renovate Alamo and Glenwood recreation	\$	20,000
Ben Hill County	Equipment for Ben Hill volunteer fire stations	\$	10,000
Irwin County	Display cabinets for artifacts at Jeff Davis State Park Museum	\$	15,000
Wilcox County	Operation of Wilcox County rural fire department at Cedar Creek	\$	10,000
Ben Hill County	Softball fields and improvements at Paulk Park	\$	10,000
City of Ocilla	Operation of Ocilla little league baseball fields	\$	15,000
Wilcox County	Design/construct lighting for Wilcox County recreation department little league ball park	\$	20,000
Wilcox County Board of Education	Purchase vocational equipment for Wilcox County High School	\$	15,000
Irwin County	Equipment for Irwin County volunteer fire stations	\$	10,000
City of Sumner	Purchase of recreation equipment for City of Sumner	\$	10,000
City of Sycamore	Purchase recreation equipment, land and improvements for City of Sycamore	\$	25,000
City of Warwick	Purchase of recreation equipment	\$	10,000
City of Rebecca	Repairs and improvements to City of Rebecca water system	\$	10,000
Quitman County Board of Education	Purchase of equipment for Quitman Community Elementary School	\$	25,000
Randolph County Board of Education	Repairs to leaks at Randolph/Clay Middle School	\$	20,000

Calhoun County Board of Education	Relocation of exhaust fans in gymnasium at Calhoun Elementary School	\$	9,000
Clay County Board of Education	Purchase furniture, desks and new lab computers for new Clay County Elementary School	\$	25,000
Chattahoochee Board of Education	Purchase media equipment for Chattahoochee County Education Center	\$	65,000
Randolph County	Purchase vehicles for Randolph County rural public transportation program	\$	11,150
City of Cusseta	Well system for City of Cusseta	\$	96,000
City of Dawson	Equip and operate the Community Development office	\$	25,000
Marion County Board of Education	Lighting for Marion County ballfields	\$	30,000
Webster County	Expansion of Webster County Agriculture Education Center	\$	20,000
Terrell County	Hanger construction at Terrell County Airport	\$	25,000
City of Blakely	Renovation of historic theater in Blakely	\$	10,000
City of Donalsonville	Renovation of Olive Theater	\$	15,000
Baker County	Develop age appropriate children's program	\$	20,000
City of Albany	Operations of SAFEC-Parenting classes and after school tutorial programs and youth apprenticeship	\$	20,000
Dougherty County	Renovate and repair Easter Seal facility	\$	15,000
City of Baconton	Purchase equipment and computer upgrades	\$	5,000
City of Doerun	Renovation of Doerun City Hall building	\$	20,000
Mitchell County	Operations of Smart Teens Primary Prevention Program	\$	10,000
Sale City	Purchase computer upgrades and office equipment	\$	5,000
City of Camilla	Renovate old gymnasium and tennis courts	\$	25,000
Mitchell County	Construction of shed for fire trucks for Greenough volunteer fire department	\$	10,000
Mitchell County	Install a new water well for Cotton volunteer fire department	\$	5,000
City of Pelham	Upgrade City of Pelham recreation facilities	\$	25,000
Tift County	Equipment for Tift County volunteer fire department	\$	15,000

City of Norman Park	Equipment for Norman Park volunteer fire department	\$	10,000
Tift County	Purchase bullet proof vests and drug dog for Tift County sheriff	\$	10,000
City of Nashville	Construction of sidewalk on West Hull Street	\$	5,000
Cook County	Lighting for little league ball fields in Cook County	\$	5,000
City of Nashville	Playground equipment for Memorial Park	\$	5,000
City of Enigma	Repair roof of Senior Citizen Center	\$	5,000
City of Sparks	Installation of street signs in City of Sparks	\$	3,000
City of Lenox	Equipment for rural doctors office owned by City of Lenox	\$	20,000
Cook County	Equipment for Alzheimer Day Care Center	\$	3,000
City of Alapaha	Street lighting for City of Alapaha	\$	5,000
Coffee County	Equipment for volunteer fire department and an Oak Park zoning plan in Coffee County	\$	10,000
City of Douglas	Purchase equipment for youth recreational activities	\$	15,000
City of Willacoochee	Equipment/repairs of athletic fields	\$	3,000
City of Pearson	Equipment/repairs to athletic fields	\$	3,000
Atkinson County	Comprehensive Atkinson County plan	\$	20,000
City of Ambrose	Renovations for Ambrose City Hall & Voting Precinct	\$	10,000
City of Broxton	Renovation and computers for City Hall and Broxton Police	\$	10,000
City of Waycross	Promotion of City of Waycross, Ware and Pierce County Tourism	\$	10,000
Ware County	Funds for recreational programs in Ware County	\$	25,000
Ware County Board of Education	Pilot program for development of Consumer Education and/or young drivers education for grades 11-12	\$	20,000
Brantley County	Operation of Brantley County	\$	10,000
City of Patterson	Construct T-ball field in City of Patterson	\$	5,000
City of Alma	Tree and bush beautification project City of Alma	\$	5,000
Pierce County	Operation of Pierce County Lee Street Resource Center	\$	20,000
City of Offerman	Operating expenses for City of Offerman	\$	5,000
City of Blackshear	Tree and bush beautification project	\$	5,000

Bacon County	Operation of Alma-Bacon County Department of Intergovernmental relations	\$	45,000
Charlton County	St. George Winoker race pond and county beautification project	\$	5,000
City of Nahunta	Law enforcement equipment for City of Nahunta	\$	5,000
City of Hoboken	Recreation improvements for the City of Hoboken	\$	5,000
Appling County Board of Education	Operation of Alternative School Assistance	\$	15,000
City of Denton	Operation/equipment for recreation program	\$	5,000
Wayne County	Operation/equipment for Wayne County Madray Springs Fire Department	\$	5,000
Wayne County	Operation/equipment for Wayne County K'ville Fire Department	\$	5,000
Appling County Development Authority	Economic development planning	\$	10,000
Telfair County	Equipment for Telfair County Horse Creek fire department	\$	5,000
Jeff Davis County	Improvements to the Jeff Davis County Courthouse grounds	\$	5,000
City of McRae	Improvements to City of McRae City Hall	\$	25,000
Jeff Davis County	Operation of Jeff Davis County local welcome center	\$	5,000
Jeff Davis County	Operation of fire department and community center for Snipesville Community	\$	10,000
Jeff Davis County Board of Education	Computer networking for Jeff Davis Board of Education	\$	5,000
Jeff Davis County	Equipment for emergency command vehicle for Jeff Davis County EMS	\$	5,000
City of Baxley	Water and Sewer upgrades for City of Baxley	\$	25,000
Long County	Law enforcement equipment for Long County	\$	10,000
Wayne County	Construction of animal shelter in Wayne County	\$	10,000
City of Jesup	Downtown Revitalization for City of Jesup	\$	10,000
City of Odum	Repair to Odum City fire department station	\$	10,000
City of Screven	Repairs to City of Screven sewage facilities	\$	10,000

City of Ludowici	Repair to City of Ludowici back up water facility	\$	10,000
Liberty County	Renovation of buildings at Seabrook Village Foundation, Inc.	\$	10,000
Liberty County	Operation of Coastal Medical Assistance Clinic	\$	10,000
Glynn County	Improvements to Neptune Park in Glynn County	\$	20,000
Glynn County	Repairs to Baldwin Park in Glynn County	\$	20,000
City of St. Marys	Purchase equipment for City of St. Marys	\$	60,000
City of Hahira	Hahira City Hall renovation	\$	25,000
Clinch County	Equipment for Clinch County Emergency Management	\$	10,000
Lanier County Board of Education	Renovation on field house for Lanier County	\$	25,000
Lowndes County Chamber of Commerce	Lowndes County operations of Drugs Don't Work Program	\$	10,000
Lowndes County	Purchase police equipment and beautification of historic district of City of Remerton	\$	50,000
Brooks County	Equipment and operations Brooks County volunteer fire departments	\$	25,000
Brooks County	Brooks County Museum and Cultural Center replacement of roof and other repairs	\$	30,000
Echols County	Echols County Historical Society for repairs to the oldest house in Echols County	\$	10,000
City of Lake Park	Rescue boat and equipment for volunteer fire department of Lake Park	\$	15,000
City of Social Circle	Acquisition and construction of city park including off street parking for City of Social Circle	\$	25,000
Cobb County	Restoration of C-130 in Cobb County	\$	30,000
City of Tybee Island	Renovation of Tybee Lighthouse	\$	100,000
Tattnall County Board of Education	Purchase of materials for Vo-Ag Facility	\$	15,000
City of Alapaha	Purchase Little League equipment	\$	5,000
City of Georgetown	Installation of new sewer system	\$	25,000
Augusta Housing Authority	Operations of Golden Harvest Food Bank	\$	20,000
City of Senoia	Purchase sewage pump truck	\$	10,000
City of Mount Zion	Purchase of property for the City of Mount Zion	\$	20,000

City of Atlanta	Feasibility study for agri-science program at Carver High School	\$	10,000
Cobb County Board of Education	Purchase lights for Harrison High School baseball field	\$	10,000
Taliaferro County	Renovation of Locust Grove Cemetery	\$	30,000
DeKalb County	Operation of DeKalb Historical Society	\$	15,000
DeKalb County	Operation of South DeKalb Incubator	\$	10,000
Clayton County Board of Education	Operation of Project Decision	\$	30,000
Clarke County	Operations of Safe Campuses Now	\$	40,000
City of Lavonia	Construction of multi-purpose recreation field	\$	25,000
Gwinnett County Board of Education	Construction of athletic facility at Collins High School	\$	50,000
City of Adairsville	Purchase equipment for Folsom volunteer fire department	\$	10,000
Bartow County	Purchase equipment for Pine Log volunteer fire department	\$	10,000
City of Austell	Purchase computer equipment	\$	35,000
Gwinnett County Board of Education	Renovation of athletic field facilities at Parkview High School	\$	50,000
City of Homeland	Purchase land/construct emergency access on US#1 overpass for emergency vehicles	\$	20,000
Clinch County	Purchase aircraft for Clinch County Sheriff's Department for locating marijuana fields	\$	10,500
City of Ray City	Repairs to Ray City water well	\$	11,000
Town of Fargo	Purchase of equipment to establish a community library	\$	19,375
Town of Alapaha	Construction of a fence and drainage system for existing park	\$	12,500
City of Nashville	Repairs to Berrien County Courthouse Square	\$	20,000
Brantley County	Purchase of equipment for volunteer fire department to be shared by both Brantley and Pierce Counties	\$	15,000
Montgomery County	Operations of Montgomery County Development Authority	\$	10,000
Pierce County	Equipment/computers for Pierce County Resource Center for "At Risk" students studying		

	for GED	\$	12,000
City of Offerman	Purchase equipment for City Hall	\$	5,000
City of Lyons	Purchase recreational equipment for Partin Park	\$	10,000
City of Hoboken	Purchase lights and equipment for ball field	\$	5,000
City of Screven	Paint and repair City of Screven city hall	\$	5,000
City of Graham	Extension of city sewer line for City of Graham	\$	5,000
Toombs County Board of Education	Purchase land for parking lot for high school football stadium	\$	35,000
Glynn County	Operations of SHARE	\$	25,000
Dooly County	Operation of State of Georgia Cotton Museum	\$	25,000
Clarke County	Operations of Food Bank of NE Georgia	\$	25,000
Oconee County	Improvement to facilities at recreation fields	\$	10,000
Bibb County	Renovation and purchase equipment for Kings Park Recreation Park	\$	25,000
City of Warrenton	Construct fencing/lighting for new recreation area	\$	15,000
Oglethorpe County	Renovation of recreation facilities	\$	5,000
City of Lincolnton	Repairs to storm sewer project	\$	15,000
Hall County	Renovations/construction Challenged Child Inc.	\$	50,000
Richmond county	Purchase of property for Southeastern Firefighters Burn Foundation	\$	25,000
McDuffie County	Construction of Fire Safety House	\$	3,500
Richmond County	Lighting for West Augusta Little League	\$	12,000
Richmond County	Lighting for Master City Little League	\$	12,000
Richmond County	Operations of Hope House for Women	\$	20,000
City of Avera	Purchase air packs for volunteer fire department	\$	5,000
City of Euharlee	Restore and preserve historic city buildings	\$	20,000
Paulding County Board of Education	Renovate/improve field house at Paulding County High School	\$	60,000
City of Aragon	Operations of the athletic program	\$	5,000
City of Cartersville	Operations of arts/recreation program	\$	20,000
City of Dallas	Construction of historic museum	\$	10,000
City of Rockmart	Construction of pavilion at Rockmart Northwest Park	\$	15,000
City of Cedartown	Operations of athletic program	\$	10,000
City of Atlanta	Operations of Outdoor Activity Center	\$	40,000

Treutlen County Board of Education	Construction of restrooms for baseball field	\$	25,000
Emanuel County	Improvements to city/county auditorium and recreation complex	\$	25,000
Wheeler County	Recreation facilities	\$	25,000
City of Milledgeville	Restoration of Griffin-Baugh Cottage	\$	12,000
Hancock County	Purchase fire fighting equipment	\$	10,000
City of Milledgeville	Roof repairs on education center of Boys and Girls Club of City of Milledgeville	\$	15,000
City of Milledgeville	Operations and purchase of equipment at Rape Crisis Center of Milledgeville	\$	15,000
City of Monticello	Purchase equipment for Get Ahead House after school tutoring and parenting program	\$	5,000
City of Cusseta	Construct new well	\$	75,000
Muscogee County	Operations of Rediscovery in Muscogee County	\$	20,000
Muscogee County	Operations of Southwest Against Drugs	\$	15,000
Gwinnett County	Operations of Collins Hill Athletic Association Softball program of Gwinnett County	\$	15,000
DeKalb County	Operations of The Winning Circle	\$	20,000
DeKalb County	Operation of Scottdale Youth Athletic Association	\$	10,000
DeKalb County	Purchase supplies/equipment for Redan Park Athletic Program of DeKalb County	\$	5,000
Effingham County	Improvements to athletic field	\$	20,000
Effingham County	Construct handicap access walk for hospital and nursing home in Effingham County	\$	5,000
City of Manassas	Purchase of city water pump	\$	7,000
City of Statesboro	Purchase computer work stations and wiring for Statesboro Regional Library	\$	10,000
Evans County Recreation Authority	Expansion of ball fields and play areas	\$	25,000
Jenkins County	Materials for enlarging Jenkins County Agriculture Education Center	\$	25,000
Statesboro Airport Authority	Improvements to Statesboro airport	\$	15,000
Screven County Airport Authority	Resurface runway at Screven County Airport	\$	20,000
City of Leesburg	Installation of traffic signals for City of Leesburg	\$	50,000
City of Byron	Water system for the City of Byron	\$	50,000

City of Andersonville	Operations of Historic Andersonville Trail	\$	10,000
City of Montezuma	Construct sidewalk for City of Montezuma	\$	68,800
Taylor County Board of Education	Construct athletic complex for Taylor County schools	\$	50,000
City of Marshallville	Paving to Felton Memorial Cemetery	\$	10,000
City of Plains	Construct building addition to City of Plains police/fire department	\$	25,000
Peach County	Construct fire department annex on Fort Valley State College campus	\$	70,000
City of LaFayette	Repair and restore Gordon Hall at Chattooga Academy	\$	20,000
Dade County	Construct all-purpose pavilion at park	\$	30,000
Chattooga County	Purchase equipment to enhance 911 system	\$	30,000
Fulton County	Operation of Kidsgym USA, Inc.	\$	50,000
Fulton County	Operation of Promise Children's Home, Inc.	\$	15,000
Fulton County	Operation of "Listen Up" drug program	\$	10,000
Chatham County	Renovate Old YMCA Building for community center	\$	400,000
Chatham County	Operation of Mighty Eighth Air Force Museum	\$	55,000
City of Thunder	Construction of restrooms at W.E. Waterfront Park	\$	70,000
Liberty County	Operations of Coastal Medical Assistance Clinic	\$	16,000
Long County	Construction of an additional ball field with lights and fence for recreation department	\$	30,000
Liberty County	Upgrade athletic equipment to meet safety standard requirements	\$	20,000
City of Pembroke	Renovation of recreational park in the City of Pembroke	\$	25,000
McIntosh County Board of Education	Purchase football field lighting for McIntosh County school	\$	25,000
Glynn County	Renovations/improvements to Ellis Point Park	\$	20,000
Cobb County Board of Education	Pilot project for "Reading Fluency Intervention"	\$	50,000
Meriwether County	Renovate building for Warm Springs Welcome Center	\$	50,000

Madison County Board of Education	Construction of high school tennis courts	\$	20,000
City of Arcade	Operations of City of Arcade	\$	35,000
Floyd County	Operations of Camp Good Times (Summer Day Camp)	\$	15,000
Floyd County	Operations of 100 Black Men, mentoring program	\$	10,000
White County	Construction of ADA compliant swimming pool	\$	20,000
Rabun County	Purchase equipment for volunteer fire department	\$	5,000
Union County	Renovation of Union County Courthouse	\$	50,000
DeKalb County	Field acquisition for Georgia Soccer Foundation	\$	30,000
Fulton County	Operation of St Jude Recovery Center for Women of Fulton County	\$	25,000
DeKalb County	Roof renovation at Elaine Clarke Activity Center	\$	15,000
City of Decatur	Operation of Decatur Neighborhood Playhouse	\$	6,000
Chatham County	Building renovation for Turning Point Parent & Child Inc. of Chatham County	\$	15,000
Whitfield County	Improvements to joint sewer service in Whitfield County and City of Dalton	\$	25,000
Grady County	Construction of volunteer fire department	\$	10,000
Grady County	Renovation of Historical Society facility	\$	20,000
Thomasville Board of Education	Improvements for Thomasville City School's track	\$	15,000
City of Donalsonville	Purchase of computer hardware	\$	20,000
City of Blakely	Construction of recreation field for the City of Blakely and Early County	\$	15,000
City of Bainbridge	Construction of sidewalk in Willis Park	\$	10,000
City of Blue Ridge	Improvements to fence and lighting for City Park	\$	25,000
Fannin County	Planning/design for civic center and auditorium	\$	15,000
Fannin County	Install public address system in Fannin County Courthouse	\$	5,000
Forsyth County Board of Education	Renovation of two classrooms for science labs	\$	20,000

Gwinnett County Board of Education	Construction of high school football stadium	\$	55,000
Fulton County	Repairs to drainage system and purchase of equipment for Grant Park Learning Center	\$	18,500
City of Morrow	Improvements to City of Morrow park	\$	7,500
City of Lake City	Improvements to Lake City park	\$	7,500
City of Jonesboro	Improvements to City of Jonesboro park	\$	7,500
City of Riverdale	Improvements to City of Riverdale park	\$	7,500
City of Forest Park	Improvements to downtown revitalization project	\$	20,000
Telfair County	Interior renovations for County Courthouse	\$	25,000
City of Rhine	Renovation of City of Rhine Community Center	\$	20,000
City of Alma	Purchase Jaws of Life for fire department	\$	7,500
City of Nicholls	Assist with downtown beautification project and operating expenses	\$	20,000
City of Smyrna	Operation of "Blind and Low Vision Center"	\$	15,000
Terrell County	Construction of airport hangar in Terrell County	\$	50,000
City of Dawson	Restoration of the Old Carnegie Library	\$	35,000
Catoosa County	Lighting for Mattox recreation complex	\$	40,000
City of Dalton	Operation of North West Georgia Girls Home	\$	20,000
Fulton County	Operation of Sickie Cell Center at Hughes Spalding Children's Hospital	\$	20,000
Fulton County	Renovate Southwest Hospital & Medical Center to meet ADA requirements	\$	20,000
Fulton County	Operation of Grady First Steps program	\$	60,000
Cobb County	Purchase van for mental retardation services to be shared by Cobb and Douglas Counties	\$	20,000
City of Marietta	Operation of Civil War Museum	\$	30,000
Richmond County	Operation of community based programs	\$	120,000
DeKalb County	Operation of the Arts Station	\$	10,000
DeKalb County	Operation of DeKalb Juvenile Court Sex Offender Program	\$	30,000
DeKalb County	Operation of Our House	\$	10,000
Fulton County	Operation of Providence Learning Center "At Risk" School Program	\$	165,387

Thomas County	Operation of Halcyon Home (Battered Women's Shelter)	\$	45,000
Coweta County	Purchase defibrillators for fire department	\$	15,000
City of Warm Springs	Design of new building for Good Shepherd Therapeutic Center	\$	10,000
Clay County	Operate recreation park for children	\$	50,000
City of Athens	Improvements to Cedar Shoals High School running track surface	\$	40,000
Irwin County	Purchase equipment for Holt/Lax volunteer fire department	\$	5,000
City of Hawkinsville	Restoration of Opera House	\$	10,000
Pulaski County	Renovation of Pulaski County Courthouse	\$	50,000
Bleckley County	Renovation of Bleckley County Courthouse	\$	50,000
City of Centerville	Construction of fire house	\$	100,000
City of Milan	Improvements to water and sewer system	\$	5,000
Houston County	Operations and training for Houston County volunteer fire department	\$	25,000
City of Cave Spring	Renovation /construction at Rollader Park	\$	20,000
Carroll County Board of Education	Additions to Temple High School Stadium	\$	25,000
City of Conyers	Purchase playground equipment for Pine Street Elementary School	\$	50,000
City of Trion	Design/construct ballfields in City of Trion	\$	25,000
Murray County	Purchase of van for Murray County Senior Citizen Center	\$	25,000
City of Atlanta	Operation of Metro Atlanta Respite and Developmental Services	\$	50,000
Gwinnett County Board of Education	Operation of Shiloh High School Stadium	\$	30,000
Atlanta Board of Education	Operation of Miles Community Center	\$	40,000
Wilkinson County	Expansion of the Basic Adult Education Center	\$	50,000
City of Valdosta	Operation of the South Georgia Medical Center	\$	100,000
City of Atlanta	Operation of Carver High School	\$	200,000
Appling County Board of Education	Remediation of fire code violations in Appling County schools	\$	100,000
City of Augusta	Operation of Lucey Laney Museum	\$	24,000
City of Augusta	Operation of Augusta Opera House	\$	16,000

Section 41. Provisions Relative to Section 10,
www.libtool.com State Board of Education
 Department of Education.

The formula calculation for Quality Basic Education funding assumes a base unit cost of \$1,925.22. In addition, all local school system allotments for Quality Basic Education shall be made in accordance with funds appropriated by this Act.

Provided, that of the above appropriation relative to 13% incentive grants to local school systems for implementing middle grades programs, such grants shall be made to local school systems for only those schools containing grades seven and eight or grades six, seven and eight which provide a minimum of 85 minutes of common preparation time during the student instructional day to each interdisciplinary team of teachers responsible for instruction in language arts, mathematics, science and social studies, and which meet criteria and standards prescribed by the State Board of Education for middle school programs.

Section 42. Provisions Relative to Section 15,
 Department of Human Resources.

The Department of Human Resources is authorized to calculate all Aid to Families with Dependent Children benefit payments utilizing a factor of 66.0% of the standards of need; such AFDC payments shall be made from the date of certification and not from the date of application; and the following maximum benefits and maximum standards of need shall apply:

Number in Asst. Group	Standards of Need	Maximum Monthly Amount
1	\$ 235	\$ 155
2	356	235
3	424	280
4	500	330
5	573	378
6	621	410
7	672	444
8	713	470
9	751	496
10	804	530
11	860	568

Provided, the Department of Human Resources is authorized to transfer funds between the Personal Services object class and the Per Diem, Fees and Contracts subobject class at each of the MH/MR/SA institutions as needed to insure coverage for physician, nursing, physical therapy, and speech and hearing therapy services. Such transfers shall not require prior budgetary approval.

Provided, that of the appropriation relative to Community Mental Health/Mental Retardation and Institutions, Regional Boards will be allocated State hospital funds equal to their DHR approved formula fair share. Regional Boards must use their fair share allocation or 90% of their base year hospital utilization funding (whichever is less) to purchase State hospital services. The balance may be used for community based care in accordance with approved Regional Plans.

Section 43. Provisions Relative to Section 21,
 Department of Medical Assistance.

There is hereby appropriated to the Department of Medical Assistance a specific sum of money equal to all the moneys contributed to the Indigent Care Trust Fund created pursuant to Article 6 of Chapter 8 of Title 31. The sum of money is appropriated for all of those purposes for which such moneys may be appropriated pursuant to Article 6, and may be used to match federal funds which are available for such purposes.

Medicaid formulary restrictions, including prior authorization, shall be based on the individual patient's clinical and medical criteria and on cost-effectiveness.

Adjust nursing home reimbursement rates effective April 1, 1998 using the June 30, 1996 cost reports plus the appropriate DRI index in accordance with the existing reimbursement methodology.

Provided, that of funds made available to the Department, \$86,050 is designated to initiate an over the counter nicotine replacement medication program effective April 1, 1998.

Section 44. Provisions Relative to Section 22,
Merit System of Personnel Administration.

The Department is authorized to assess no more than \$137.00 per budgeted position for the cost of departmental operations.

It is the intent of this General Assembly that the employer contribution rate for the state employees health benefit plan for SFY 1998 shall not exceed 12.5%.

It is the intent of this General Assembly that the employer contribution rate for the teachers health benefit plan for SFY 1998 shall not exceed 8.66%.

Section 45. Provisions Relative to Section 23,
Department of Natural Resources.

Provided, that to the extent State Parks and Historic Sites receipts are realized in excess of the amount of such funds contemplated in this Act, the Office of Planning and Budget is authorized to use up to 50 percent of the excess receipts to supplant State funds and the balance may be amended into the budget of the Parks, Recreation and Historic Sites Division for the most critical needs of the Division. This provision shall not apply to revenues collected from a state parks parking pass implemented by the Department.

Section 46. Provisions Relative to Section 33,
Department of Technical and Adult Education.

To provide authorization for the conversion of Atlanta Area Technical Institute and Savannah Regional Technical Institute to State operated institutions.

Section 47. Provisions Relative to Section 34,
Department of Transportation.

For this and all future general appropriations acts, it is the intent of this General Assembly that the following provisions apply:

a.) In order to meet the requirements for projects on the Interstate System, the Office of Planning and Budget is hereby authorized and directed to give advanced budgetary authorization for letting and execution of Interstate Highway Contracts not to exceed the amount of Motor Fuel Tax Revenues actually paid into the Fiscal Division of the Department of Administrative Services.

b.) Objects for activities financed by Motor Fuel Tax Funds may be adjusted for additional appropriations or balances brought forward from previous years with prior approval by the Office of Planning and Budget.

c.) Interstate rehabilitation funds may be used for four-laning and passing lanes. Funds appropriated for on-system resurfacing, four-laning and passing lanes may be used to match additional Federal aid.

d.) The Fiscal Officers of the State are hereby directed as of July 1st of each fiscal year to determine the collection of Motor Fuel Tax in the immediately preceding year less refunds, rebates and collection costs and enter this amount as being the appropriation payable in lieu of the Motor Fuel Tax Funds appropriated in Section 34 of this Bill, in the event such collections, less refunds, rebates and collection costs, exceed such Motor Fuel Tax Appropriation.

e.) Functions financed with General Fund appropriations shall be accounted for separately and shall be in addition to appropriations of Motor Fuel Tax revenues required under Article III, Section IX, Paragraph VI, Subsection (b) of the State Constitution.

f.) Bus rental income may be retained to operate, maintain and upgrade department-owned buses, and air transportation service income may be retained to maintain and upgrade the quality of air transportation equipment.

In order to aid the Department in the discharge of its powers and duties pursuant to Section 32-2-2 of the Official Code of Georgia Annotated, and in compliance with Section 32-2-41 (b)(1), O.C.G.A., the Department is authorized to transfer position counts between budget functions provided that the Department's total position count shall not exceed the maximum number of annual positions assigned by law.

It is the express intent of this General Assembly, by this Act, that the use of motor fuel funds for the purpose of providing annual debt service on existing or new general obligation debt, for road purposes, issued by the State of Georgia, is for the sole and specific purpose of addressing the State's special need appropriation.

Provided, that of the appropriation for the Special Airport Development Program, funds not utilized for the initial tier of airport upgrades and improvements shall be used first for Greene County and Houston County airport improvements as the department may designate.

Section 48.

In addition to all other appropriations for the State fiscal year ending June 30, 1998, there is hereby appropriated \$3,600,000 for the purpose of providing funds for the operation of regional farmers' markets in the Department of Agriculture; and there is hereby appropriated \$400,000 for the purpose of providing funds for the Weights and Measures, Warehouse Auditing Programs, Animal Protection Program and Feed Division; there is hereby appropriated \$9,468,000 for the purpose of providing operating funds for the State physical health laboratories (\$120,000) and for State mental health/mental retardation institutions (\$9,348,000) in the Department of Human Resources; and there is hereby appropriated \$10,000,000 for the purpose of providing funds for the operation of the Employment Service and Unemployment Insurance Programs in the Department of Labor. The Office of Planning and Budget is hereby authorized to transfer funds from this section to the appropriate departmental budgets in amounts equal to the departmental remittances to the Fiscal Division of the Department of Administrative Services from agency fund collections.

Section 49.

To the extent to which Federal funds become available in amounts in excess of those contemplated in this Appropriations Act, such excess Federal funds shall be applied as follows, whenever feasible:

First, to supplant State funds which have been appropriated to supplant Federal funds, which such supplanted State funds shall thereupon be removed from the annual operating budgets; and

Second, to further supplant State funds to the extent necessary to maintain the effective matching ratio experienced in the immediately preceding fiscal year, which such supplanted State funds shall thereupon be removed from the annual operating budgets.

The Office of Planning and Budget shall utilize its budgetary and fiscal authority so as to accomplish the above stated intent to the greatest degree feasible. At the end of this fiscal year, said Office of Planning and Budget shall provide written notice to the members of the Appropriations Committees of the Senate and House of Representatives of the instances of noncompliance with the stated intent of this Section.

A nonprofit contractor, as defined in Chapter 20 of Title 50, which contracts to receive any public funds appropriated in this Act shall comply with all provisions of Chapter 20 of Title 50 and shall, in addition, deposit copies of each filing required by Chapter 20 of Title 50 with the chairmen of the House and Senate Appropriations Committees and with the Legislative Budget Office, at the same time as the filings required under Chapter 20 of Title 50. Any nonprofit entity which receives a grant of any public funds appropriated in this Act without entering into a contractual arrangement shall likewise, as a condition of such grant, comply with the provisions of Chapter 20 of Title 50 in the same manner as a state contractor and shall likewise file copies of required filings with the chairmen of the House and Senate Appropriations Committees.

Section 50.

Each agency for which an appropriation is authorized herein shall maintain financial records in such a fashion as to enable the State Auditor to readily determine expenditures as contemplated in this Appropriations Act.

Section 51.

In addition to all other appropriations, there is hereby appropriated as needed, a specific sum of money equal to each refund authorized by law, which is required to make refund of taxes and other monies collected in error, farmer gasoline tax refund and any other refunds specifically authorized by law.

Section 52.

No State appropriations authorized under this Act shall be used to continue programs currently funded entirely with Federal funds.

Section 53.

In accordance with the requirements of Article IX, Section VI, Paragraph Ia of the Constitution of the State of Georgia, as amended, there is hereby appropriated payable to each department, agency, or institution of the State sums sufficient to satisfy the payments required to be made in each year, under existing lease contracts between any department, agency, or institution of the State, and any authority created and activated at the time of the effective date of the aforesaid constitutional provision, as amended, or appropriated for the State fiscal year addressed within this Act. If for any reason any of the sums herein provided under any other provision of this Act are insufficient to make

the required payments in full, there shall be taken from other funds appropriated to the department, agency or institution involved, an amount sufficient to satisfy such deficiency in full and the lease payment constitutes a first charge on all such appropriations.

Section 54.

(a.) All expenditures and appropriations made and authorized under this Act shall be according to the programs and activities as specified in the Governor's recommendations contained in the Budget Report submitted to the General Assembly at the 1998 Regular Session, except as provided, however, the Director of the Budget is authorized to make internal transfers within a budget unit between objects, programs and activities subject to the conditions that no funds whatsoever shall be transferred for use in initiating or commencing any new program or activity not currently having an appropriation of State funds, nor which would require operating funds or capital outlay funds beyond the fiscal year to which this Appropriation Act applies; and provided, further, that no funds whatsoever shall be transferred between object classes without the prior approval of at least eleven members of the Fiscal Affairs Subcommittees in a meeting called to consider said transfers. This Section shall apply to all funds of each budget unit from whatever source derived. The State Auditor shall make an annual report to the Appropriations Committees of the Senate and House of Representatives of all instances revealed in his audit in which the expenditures by object class of any department, bureau, board, commission, institution or other agency of this State are in violation of this Section or in violation of any amendments properly approved by the Director of the Budget.

(b.) (1.) For purposes of this Section, the term "common object classes" shall include only Personal Services, Regular Operating Expenses, Travel, Motor Vehicle Equipment Purchases, Postage, Equipment Purchases, Computer Charges, Real Estate Rentals and Telecommunications.

(b.) (2.) For each Budget Unit's common object classes in this Act, the appropriations shall be as follows: Expenditures of no more than 102% of the stated amount for each common object class are authorized. However, the total expenditure for the group may not exceed the sum of the stated amounts for the separate object classes of the group.

(b.) (3.) It is the further intent of the General Assembly that this principle shall be applied as well when common object class amounts are properly amended in the administration of the annual operating budget.

Section 55.

Wherever in this Act the terms "Budget Unit Object Classes" or "Combined Object Classes For Section" are used, it shall mean that the object classification following such term shall apply to the total expenditures within the Budget Unit or combination of budget units within a designated section, respectively, and shall supersede the object classification shown in the Governor's Budget Report.

For budget units within the Legislative Branch, all transfers shall require prior approval of at least eight members of the Legislative Services Committee in a meeting of such Committee, except that no approval shall be required for transfers within the Senate Functional Budget or the House Functional Budget.

Section 56.

There is hereby appropriated a specific sum of Federal grant funds, said specific sum being equal to the total of the Federal grant funds available in excess of the

amounts of such funds appropriated in the foregoing sections of this Act, for the purpose of supplanting appropriated State funds, which State funds shall thereupon be unavailable for expenditure unless re-appropriated by the Georgia General Assembly. This provision shall not apply to project grant funds not appropriated in this Act.

Section 57. Provisions Relative to Section 37,

State of Georgia General Obligation Debt Sinking Fund.

With regard to the appropriations in Section 37 to the "State of Georgia General Obligation Debt Sinking Fund" for authorizing new debt, the maximum maturities, user agencies and user authorities, purposes, maximum principal amounts and particular appropriations of highest annual debt service requirements of the new debt are specified as follows:

From the appropriation designated "State General Funds (New)", \$956,340 is specifically appropriated for the purpose of financing projects and facilities for the Georgia Ports Authority, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$4,140,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of sixty months.

From the appropriation designated "State General Funds (New)", \$346,500 is specifically appropriated for the purpose of financing projects and facilities for the Georgia Ports Authority, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$1,500,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of sixty months.

From the appropriation designated "State General Funds (New)", \$900,315 is specifically appropriated for the purpose of financing the George L. Smith II Georgia World Congress Center Authority projects and facilities for the Department of Industry, Trade and Tourism, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$10,530,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$1,710,000 is specifically appropriated for the Georgia Environmental Facilities Authority for the purpose of financing loans to local governments and local government entities for water or sewerage facilities or systems, through the issuance of not more than \$20,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$427,500 is specifically appropriated for the purpose of financing projects and facilities for the Georgia Building Authority, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$5,000,000 in principal amount of General

Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$11,542,500 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$135,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$295,830 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$3,460,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$171,000 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$2,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$218,025 is specifically appropriated for the purpose of financing projects and facilities for the Department of Technical and Adult Education, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$2,550,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$46,200 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$200,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of sixty months.

From the appropriation designated "State General Funds (New)", \$846,621 is specifically appropriated for the purpose of financing the Georgia Agricultural Exposition Center projects and facilities for the Department of Natural Resources, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more

than \$9,902,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$231,000 is specifically appropriated for the purpose of financing projects and facilities for the Georgia Ports Authority, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$1,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of sixty months.

From the appropriation designated "State General Funds (New)", \$1,282,500 is specifically appropriated for the purpose of financing projects and facilities for the Department of Juvenile Justice, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$15,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$136,800 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$1,600,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$85,500 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$1,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$342,000 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$4,000,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$171,000 is specifically appropriated for the purpose of financing projects and facilities for the Department of Agriculture, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$2,000,000 in principal amount of General

Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$1,419,726 is specifically appropriated for the purpose of financing educational facilities for county and independent school systems through the State Board of Education through the issuance of not more than \$6,146,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of sixty months.

From the appropriation designated "State General Funds (New)", \$1,487,700 is specifically appropriated for the purpose of financing projects and facilities for the Department of Transportation, by means of the acquisition, construction, development, extension, enlargement, or improvement of land, waters, property, highways, buildings, structures, equipment or facilities, both real and personal, necessary or useful in connection therewith, through the issuance of not more than \$17,400,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

From the appropriation designated "State General Funds (New)", \$3,487,545 is specifically appropriated for the purpose of financing educational facilities for county and independent school systems through the State Board of Education, through the issuance of not more than \$40,790,000 in principal amount of General Obligation Debt, the instruments of which shall have maturities not in excess of two hundred and forty months.

Section 58. TOTAL STATE FUND APPROPRIATIONS

State Fiscal Year 1998 \$12,380,991,546

Section 59.

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

Section 60.

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

Section 2.

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

Section 3.

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

Senator Hooks of the 14th moved that the Senate adopt the Conference Committee report on HB 1167.

On the adoption of the Conference Committee report, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Brush	Y Egan
Y Balfour	Y Burton	EX Fort
Y Blicht	Y Cagle	Y Gillis
Y Boshears	Y Cheeks	N Glanton
Y Bowen	Y Clay	N Gochenour
Y Broun, 46th	Y Crofts	Y Griffin
Y Brown, 26th	Y Dean	N Guhl

Y Harbison	Y Madden	Y Starr
Y Henson	Y Marable	Y Stokes
Y Hill	Y Middleton	Y Streat
Y Hooks	Y Oliver	Y Tanksley
Y Huggins	Y Perdue	EX Taylor
EX James	N Price,R	Y Thomas,D
Johnson,D	N Price,T	Y Thomas,N
Y Johnson,E	Y Ragan	Y Thompson
Y Kemp	Y Ralston	Y Turner
Y Lamutt	Y Ray	Y Tysinger
Y Land	Y Roberts	Y Walker
Langford	Y Scott	

On the motion, the yeas were 46, nays 5; the motion prevailed, and the Senate adopted the Conference Committee report on HB 1167.

The Calendar was resumed.

SR 474. By Senators Harbison of the 15th, Hill of the 4th and Glanton of the 34th:

A resolution to urge the President of the United States and the United States Congress to further recognize the services rendered to this country during the Vietnam War by Hmong and Lao soldiers by granting full and immediate United States citizenship to those who are currently living as legal immigrants in this country.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	EX Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
EX Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution the yeas were 50, nays 0.

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

SB 521. By Senators Stokes of the 43rd, Clay of the 37th, Thomas of the 10th and others:

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A bill to amend Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to hearings on proposed zoning decisions, so as to provide that at least 30 days prior to a zoning decision for rezoning initiated by a party other than the local government the local government shall post a sign on the property to be rezoned.

The Senate State and Local Governmental Operations Committee offered the following amendment:

Amend SB 521 by striking in its entirety line 22 of page 1 and inserting in lieu thereof the following:

“(2) A sign at least 20 inches by 20 inches containing information”

On the adoption of the amendment, the yeas were 39, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	N Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	Y Stokes
N Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	EX Taylor
Y Crotts	N Land	N Thomas,D
Y Dean	Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
EX Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Y Perdue	

On the passage of the bill, the yeas were 38, nays 12.

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

SB 593. By Senator Thomas of the 10th:

A bill to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to change a definition; to change provisions relating to the enforcement powers of the State Election Board; to provide a penalty for failure of a local election superintendent to complete the required minimum biennial training; to change provisions relating to applications for registration.

Senators Price of the 56th and Thomas of the 10th offered the following amendment:
Amend SB 593 by adding on page 14, line 15, following the word "county." the following:

"Said election return shall not be disclosed to any person prior to the close of the polls."

Senator Price of the 56th asked unanimous consent that his amendment be withdrawn.

The consent was granted, and the amendment was withdrawn.

Senator Thomas of the 10th moved that SB 593 be placed on the Table.

On the motion, the yeas were 35, nays 0; the motion prevailed, and SB 593 was placed on the Table.

Senator Johnson of the 1st moved that Senator Johnson of the 2nd be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Johnson of the 2nd was excused.

Senator Tanksley of the 32nd moved that Senator Guhl of the 45th be excused. On the motion, the yeas were 38, nays 0; the motion prevailed, and Senator Guhl was excused.

Senator Ralston of the 51st moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 35, nays 0; the motion prevailed, and Senator Middleton was excused.

The Calendar was resumed.

SR 587. By Senators Marable of the 52nd, Hill of the 4th, Thomas of the 10th and others:

A resolution to encourage creation of graduate medical education curricula in geriatrics; to encourage the creation of graduate medical education fellowships in geriatrics; and to encourage the establishment of a visiting professorship in geriatrics to train faculty for medical universities.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	EX Fort	Y Lamutt
Y Balfour	Y Gillis	Y Land
Y Blitch	Y Glanton	Langford
Y Boshears	Y Gochenour	Y Madden
Bowen	Y Griffin	Y Marable
Y Broun, 46th	EX Guhl	EX Middleton
Y Brown, 26th	Harbison	Y Oliver
Brush	Y Henson	Y Perdue
Y Burton	Y Hill	Y Price,R
Cagle	Hooks	Y Price,T
Cheeks	Y Huggins	Y Ragan
Y Clay	EX James	Y Ralston
Y Crotts	EX Johnson,D	Y Ray
Y Dean	Y Johnson,E	Roberts
Y Egan	Y Kemp	Scott

' Starr EX Taylor Y Turner
' Stokes Y Thomas,D Y Tysinger
' Streat Y Thomas,N Walker
' Tanksley Y Thompson

On the adoption of the resolution, the yeas were 40, nays 0.

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

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 4:04 P.M., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Wednesday, February 18, 1998
Twenty-third Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1653. By Representatives Smith of the 103rd, Westmoreland of the 104th, Brown of the 130th and others:

A bill to provide a homestead exemption from Coweta County School District ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes of more than \$12,500.00 but less than \$25,000.00 and who are 65 years of age or over or totally disabled.

HB 1658. By Representative Stephens of the 150th:

A bill to amend an Act creating a new charter for the City of Garden City, so as to extend the present corporate limits of said municipality and annex and incorporate certain additional land to said municipality.

HB 1668. By Representative Whitaker of the 7th:

A bill to amend an Act entitled "An Act to create a board of commissioners of Gilmer County," so as to change the provisions relating to purchasing and competitive bids.

HB 1669. By Representative Smith of the 102nd:

A bill to amend an Act to reconstitute the Board of Education of Harris County and provide for its powers, duties, rights, obligations, and liabilities and subject it to certain constitutional and statutory provisions, so as to change the per diem compensation of members of the board of education.

HB 1671. By Representatives Pinholster of the 15th, Stancil of the 16th and Scheid of the 17th:

A bill to provide a homestead exemption from certain Cherokee County ad valorem taxes for county purposes in the amount of \$5,000.00 of the assessed value of the homestead of certain residents of that county.

HB 1677. By Representative Coleman of the 80th:

A bill to amend an Act creating a new charter for the City of Duluth, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmembers.

- 3 1140. By Representatives Smith of the 109th, Howard of the 118th, Orrock of the 56th and others:
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A bill to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, known as the "Employment Security Law," so as to change the provisions relating to rate of employer contributions; to provide that each new or newly covered employer which has implemented a certain drug-free workplace program shall pay contributions at a rate of 0.2 percent lower than certain other rates specified.
- 3 1200. By Representatives McBee of the 88th, Martin of the 47th and Hudgens of the 24th:
A bill to amend Code Section 15-10-137 of the Official Code of Georgia Annotated, relating to training requirements for magistrates, so as to change the provisions relating to training and certification of magistrates.
- 3 1470. By Representatives Benefield of the 96th, Murphy of the 18th and Birdsong of the 123rd:
A bill to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain provisions relating to duties of a county with respect to its county road system; to change certain provisions relating to construction and maintenance of municipal street systems, acquisition of labor, and notification of department about new streets and abandoned streets.
- B 1178. By Representatives Royal of the 164th and Buck of the 135th:
A bill to amend Code Section 48-2-44 of the Official Code of Georgia Annotated, relating to penalty and interest on failure to file a return or pay revenue held in trust for the state and penalty and interest on failure to pay ad valorem tax, so as to provide for an effective date.
- B 1185. By Representatives Birdsong of the 123rd, Porter of the 143rd, Walker of the 141st and others:
A bill to amend Code Section 20-2-302 of the Official Code of Georgia Annotated, relating to funds for operation of schools for deaf and blind persons, so as to provide that employees of the state schools for the deaf and blind governed by the State Board of Education shall be authorized to participate in the J. William Fulbright Educational Exchange Program the same as school teachers in the local public school systems of this state.
- B 1529. By Representative Teper of the 61st:
A bill to amend Code Section 21-2-501 of the Official Code of Georgia Annotated, relating to the proportion of votes cast required for nomination or election to public office, so as to delete provisions requiring a majority vote for election to certain state-wide elected offices; to thereby provide for the election of such officers by plurality vote in the same manner as other public officers.
- B 1143. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:
A bill to amend Code Section 43-17-5 of the Official Code of Georgia Annotated, relating to registration of charitable organizations which solicit or ac-

cept charitable contributions, so as to change certain requirements with respect to the review or audit of financial statements.

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HB 1486. By Representatives Burkhalter of the 41st, Benefield of the 96th, Barnes of the 33rd and others:

A bill to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties and municipalities, so as to provide for legislative findings and implementation; to provide for exemptions from regulation by the Public Service Commission, Department of Transportation, and State Tollway Authority.

HB 1144. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Code Section 44-14-3 of the Official Code of Georgia Annotated, relating to the cancellation of record of certain security instruments, so as to require the grantee of such instrument to secure the proper satisfaction or cancellation of record of the instrument by the clerk of the superior court.

The House has adopted by the requisite constitutional majority the following resolutions of the House and Senate:

SR 481. By Senator Tysinger of the 41st:

A resolution authorizing the conveyance of certain state owned real property located in DeKalb County, Georgia; to provide an effective date.

HR 954. By Representative Poag of the 6th:

A resolution designating the "W. W. Fincher, Jr., Parkway"

HR 955. By Representative Poag of the 6th:

A resolution designating a portion of Ga. 52 Alternate in Murray County as the "Gerald H. Leonard Parkway"

HR 742. By Representatives Walker of the 141st, Murphy of the 18th, Dix of the 76th and others:

A resolution to create the Blue Ribbon Commission on State Government Facilities.

The House has adopted the report of the Committee of Conference on the following bill of the House:

HB 1167. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill providing appropriations for the State Fiscal Year 1997-1998 known as the "General Appropriations Act", so as to change certain appropriations for the State Fiscal Year 1997-1998.

The following bills were introduced, read the first time and referred to committees:

SB 649. By Senators Brush of the 24th and Harbison of the 15th:

A bill to amend Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits, and stamps generally, so as to provide that the Department of Natural Resources may issue, without fee, courtesy nonresident fishing licenses to certain paralyzed or disabled veterans participating in

a fishing tournament sponsored by a nonprofit charitable association of paralyzed veterans.

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Referred to Committee on Natural Resources.

- HB 650. By Senators Langford of the 29th, Roberts of the 30th, Brush of the 24th and others:

A bill to amend Chapter 15 of Title 9 of the Official Code of Georgia Annotated, relating to court and litigation costs, so as to provide for liability of uninsured motor vehicle operators for costs in certain cases; to amend Code Section 33-24-56.1 of the Official Code of Georgia Annotated, relating to reimbursement of medical expenses or disability benefits providers in personal injury cases, prohibition of subrogation, and notice, so as to provide for subrogation rights of insurers in certain cases involving uninsured motor vehicle operators.

Referred to Committee on Judiciary.

- HB 651. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to provide homestead exemptions from Glynn County ad valorem taxes for county purposes for certain residents of that county; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for the specific repeal of an Act approved March 16, 1994, relating to homestead exemptions for such county; to provide for applicability.

Referred to Committee on State and Local Governmental Operations.

- HR 653. By Senator Brown of the 26th:

A resolution designating a portion of State Highway 19 in Macon as "Duane Allman Boulevard" and a bridge thereon as "Raymond Berry Oakley III Bridge" in honor and remembrance of late founding members of the Allman Brothers Band.

Referred to Committee on Transportation.

The following bills were read the first time and referred to committees:

- HB 1140. By Representatives Smith of the 109th, Howard of the 118th, Orrock of the 56th and others:

A bill to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, known as the "Employment Security Law," so as to change the provisions relating to rate of employer contributions; to provide that each new or newly covered employer which has implemented a certain drug-free workplace program shall pay contributions at a rate of 0.2 percent lower than certain other rates specified.

Referred to Committee on Insurance and Labor.

- HB 1143. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Code Section 43-17-5 of the Official Code of Georgia Annotated, relating to registration of charitable organizations which solicit or accept charitable contributions, so as to change certain requirements with respect to the review or audit of financial statements.

Referred to Committee on Finance and Public Utilities.

HB 1144. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Code Section 44-14-3 of the Official Code of Georgia Annotated, relating to the cancellation of record of certain security instruments, so as to require the grantee of such instrument to secure the proper satisfaction or cancellation of record of the instrument by the clerk of the superior court.

Referred to Committee on Special Judiciary.

HB 1178. By Representatives Royal of the 164th and Buck of the 135th:

A bill to amend Code Section 48-2-44 of the Official Code of Georgia Annotated, relating to penalty and interest on failure to file a return or pay revenue held in trust for the state and penalty and interest on failure to pay ad valorem tax, so as to provide for an effective date.

Referred to Committee on Finance and Public Utilities.

HB 1185. By Representatives Birdsong of the 123rd, Porter of the 143rd, Walker of the 141st and others:

A bill to amend Code Section 20-2-302 of the Official Code of Georgia Annotated, relating to funds for operation of schools for deaf and blind persons, so as to provide that employees of the state schools for the deaf and blind governed by the State Board of Education shall be authorized to participate in the J. William Fulbright Educational Exchange Program the same as school teachers in the local public school systems of this state.

Referred to Committee on Education.

HB 1200. By Representatives McBee of the 88th, Martin of the 47th and Hudgens of the 24th:

A bill to amend Code Section 15-10-137 of the Official Code of Georgia Annotated, relating to training requirements for magistrates, so as to change the provisions relating to training and certification of magistrates.

Referred to Committee on Judiciary.

HB 1470. By Representatives Benefield of the 96th, Murphy of the 18th and Birdsong of the 123rd:

A bill to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain provisions relating to duties of a county with respect to its county road system; to change certain provisions relating to construction and maintenance of municipal street systems, acquisition of labor, and notification of department about new streets and abandoned streets.

Referred to Committee on Transportation.

HB 1486. By Representatives Burkhalter of the 41st, Benefield of the 96th, Barnes of the 33rd and others:

A bill to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding counties and municipalities, so as to provide for legislative findings and implementation; to provide for ex-

emptions from regulation by the Public Service Commission, Department of Transportation, and State Tollway Authority.

Referred to Committee on Transportation.

B 1529. By Representative Teper of the 61st:

A bill to amend Code Section 21-2-501 of the Official Code of Georgia Annotated, relating to the proportion of votes cast required for nomination or election to public office, so as to delete provisions requiring a majority vote for election to certain state-wide elected offices; to thereby provide for the election of such officers by plurality vote in the same manner as other public officers.

Referred to Committee on State and Local Governmental Operations (General).

B 1653. By Representatives Smith of the 103rd, Westmoreland of the 104th, Brown of the 130th and Yates of the 106th:

A bill to provide a homestead exemption from Coweta County School District ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes of more than \$12,500.00 but less than \$25,000.00 and who are 65 years of age or over or totally disabled.

Referred to Committee on State and Local Governmental Operations.

B 1658. By Representative Stephens of the 150th:

A bill to amend an Act creating a new charter for the City of Garden City, so as to extend the present corporate limits of said municipality and annex and incorporate certain additional land to said municipality.

Referred to Committee on State and Local Governmental Operations.

B 1668. By Representative Whitaker of the 7th:

A bill to amend an Act entitled "An Act to create a board of commissioners of Gilmer County," so as to change the provisions relating to purchasing and competitive bids.

Referred to Committee on State and Local Governmental Operations.

B 1669. By Representative Smith of the 102nd:

A bill to amend an Act to reconstitute the Board of Education of Harris County and provide for its powers, duties, rights, obligations, and liabilities and subject it to certain constitutional and statutory provisions, so as to change the per diem compensation of members of the board of education.

Referred to Committee on State and Local Governmental Operations.

B 1671. By Representatives Pinholster of the 15th, Stancil of the 16th and Scheid of the 17th:

A bill to provide a homestead exemption from certain Cherokee County ad valorem taxes for county purposes in the amount of \$5,000.00 of the assessed value of the homestead of certain residents of that county.

Referred to Committee on State and Local Governmental Operations.

B 1677. By Representative Coleman of the 80th:

A bill to amend an Act creating a new charter for the City of Duluth, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmembers.

Referred to Committee on State and Local Governmental Operations.

HR 742. By Representatives Walker of the 141st, Murphy of the 18th, Dix of the 76th and others:

A resolution to create the Blue Ribbon Commission on State Government Facilities.

Referred to Committee on Rules.

HR 954. By Representative Poag of the 6th:

A resolution designating the "W. W. Fincher, Jr., Parkway"

Referred to Committee on Transportation.

HR 955. By Representative Poag of the 6th:

A resolution designating a portion of Ga. 52 Alternate in Murray County as the "Gerald H. Leonard Parkway"

Referred to Committee on Transportation.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Banking and Financial Institutions has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 590. Do pass by substitute. HB 1354. Do pass by substitute.

Respectfully submitted,

Senator Turner of the 8th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 506. Do pass by substitute. HB 1618. Do pass.

SB 598. Do pass. HB 1619. Do pass.

HB 1597. Do pass. HB 1624. Do pass.

HB 1610. Do pass. HB 1632. Do pass.

HB 1611. Do pass. HB 1634. Do pass.

HB 1612. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills were read the second time:

SB 463	SB 562	SB 615	SB 620	SB 623	HB 88
HB 395	HB 714	HB 1087	HB 1288	HB 1295	HB 1301
HB 1306	HB 1351	HB 1352	HB 1391	HB 1393	

The President called for the morning roll call, and the following Senators answered to their names:

Blitch	Glanton	Oliver
Boshears	Gochenour	Perdue
Bowen	Griffin	Price,R
Broun, 46th	Guhl	Price,T
Brown, 26th	Harbison	Ragan
Brush	Hooks	Scott
Burton	Huggins	Starr
Cagle	James	Stokes
Cheeks	Johnson,E	Streat
Clay	Land	Thomas,D
Dean	Madden	Thomas,N
Egan	Marable	Turner
Hillis	Middleton	Tysinger

Those not answering were:

Abernathy	Johnson,D	Roberts
Balfour	Kemp	Tanksley
Brotts	Lamutt	Taylor
Fort	Langford	Thompson
Henson	Ralston	Walker
Hill	Ray	

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

The following communications were received by the Secretary:

Although I missed roll call I did attend the Senate Session this day, February 18, 1998.

/s/Steve Langford 29th

February 18, 1998

TO: Honorable Frank Eldridge
Secretary of the Senate

FROM: Senator Diana Harvey Johnson

Please note that I was present on February 18, 1998 as my votes on various bills will attest. However, at roll call I was in my office conducting constituent business.

Thank you for including this note in the JOURNAL, and for your continued support and cooperation.

Sincerely,

/s/ Diana Harvey Johnson
State Senate District 2

Senator Burton of the 5th introduced the chaplain of the day, Dr. Mike Cash, pastor of Tucker United Methodist Church, Tucker, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 651. By Senator Langford of the 29th:

A resolution recognizing the importance of the humanities and character education and commending the Georgia Humanities Council for its leadership.

SR 652. By Senators Marable of the 52nd, Dean of the 31st, Perdue of the 18th and others:

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A resolution recognizing "Health Care for Rural and Underserved Georgians Day"

The following local, uncontested bills of the Senate, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Wednesday, February 18, 1998

TWENTY-THIRD LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 506 Thomas, 10th
Glanton, 34th
James, 35th
Scott, 36th
Abernathy, 38th
Fort, 39th
Egan, 40th
Oliver, 42nd
Ray, 48th
Price, 56th
FULTON COUNTY
CITY OF ATLANTA

A bill to amend an Act requiring the tax commissioner of Fulton County to receive tax returns for the City of Atlanta and setting the date for payment of taxes, as amended, so as to institute one payment date for taxes due to the City of Atlanta, the State of Georgia, and Fulton County.(SUBSTITUTE)

SB 598 Burton, 5th
Thomas, 10th
Tysinger, 41st
Oliver, 42nd
Stokes, 43rd
Henson, 55th
DEKALB COUNTY

A bill to provide for the creation of a community improvement district in unincorporated DeKalb County; to provide for a short title; to provide for the purposes of the said district; to provide for definitions; to provide for a board to administer said district; to provide for appointment or election of members of said board; to provide for powers, duties, compensation, and organization of said board; to provide for taxes, fees, and assessments.

HB 1597 Griffin, 25th
CITY OF WOODVILLE

A bill to provide a new charter for the City of Woodville.

HB 1610 www.libtool.com.cn
Ragan, 11th
DECATUR COUNTY

A bill to amend an Act creating the Board of Commissioners of Decatur County, so as to change the compensation of the chairperson, vice chairperson, and members of said board.

HB 1611
Ragan, 11th
DECATUR COUNTY

A bill to amend an Act creating the State Court of Decatur County, as as to change the compensation to be paid to the judge and the solicitor of such court.

HB 1612
Taylor, 12th
Hooks, 14th
DOUGHERTY COUNTY

A bill creating the Small Claims Court of Dougherty County, now the Magistrate Court of Dougherty County, so as to provide for a chief magistrate and not more than three additional full-time magistrates.

HB 1618
Hill, 4th
CITY OF HAGAN

A bill to amend an Act providing a new charter for the City of Hagan, so as to provide for staggered terms of office for the mayor and city council.

HB 1619
Streat, 19th
CITY OF DOUGLAS

A bill to amend an Act creating a new charter for the City of Douglas, so as to provide for four-year terms of office for the mayor and city commissioners.

HB 1624
Cagle, 49th
HALL COUNTY

A bill to provide a homestead exemption from Hall County School District ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding \$12,000.00 and who are 62 years of age or over.

HB 1632
Bowen, 13th
CRISP COUNTY

A bill to provide a homestead exemption from certain Crisp County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead of certain residents of that county.

HB 1634 Thomas, 10th
 CITY OF AVONDALE ESTATES
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A bill to repeal an Act creating the Avondale Estates Development Authority; to abolish the Avondale Estates Development Authority.

Pursuant to Senate Rule 113, Senator Abernathy of the 38th filed the following objection:

AS PROVIDED IN RULE 113, WE THE UNDERSIGNED SENATORS HEREBY FILE AN OBJECTION TO SB 506 WHICH IS ON THE LOCAL CONSENT CALENDAR FOR TODAY AND HEREBY REQUEST THAT IT BE MOVED TO THE SENATE LOCAL CONTESTED CALENDAR.

/s/ Ralph David Abernathy, 38th District

/s/ Donzella James, 35th District

/s/ Nadine Thomas, 10th District

Feb. 18, 1998

Pursuant to Senate Rule 113, SB 506 was placed on the Senate Local Contested Calendar for today.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Abernathy	Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Thompson
Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the local bills, the yeas were 48, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

The following local, contested bill of the Senate, favorably reported by the committee as listed on the Local Contested Calendar, was put upon its passage:

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SENATE LOCAL CONTESTED CALENDAR

Wednesday, February 18, 1998

TWENTY-THIRD LEGISLATIVE DAY

(The names listed with the bill are the Senators whose districts are affected by the legislation.)

SB 506 Thomas, 10th
Glanton, 34th
James, 35th
Scott, 36th
Abernathy, 38th
Fort, 39th
Egan, 40th
Oliver, 42nd
Ray, 48th
Price, 56th
FULTON COUNTY
CITY OF ATLANTA

A bill to amend an Act requiring the tax commissioner of Fulton County to receive tax returns for the City of Atlanta and setting the date for payment of taxes, as amended, so as to institute one payment date for taxes due to the City of Atlanta, the State of Georgia, and Fulton County.(SUBSTITUTE)

The Senate State and Local Governmental Operations offered the following substitute to SB 506:

A BILL

To be entitled an Act to amend an Act requiring the tax commissioner of Fulton County to receive tax returns for the City of Atlanta and setting the date for payment of taxes, approved February 21, 1951 (Ga. L. 1951, p. 3087), as amended, particularly by an Act approved February 8, 1955 (Ga. L. 1955, p. 2088), so as to institute one payment date for taxes due to the City of Atlanta, the State of Georgia, and Fulton County; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act requiring the tax commissioner of Fulton County to receive tax returns for the City of Atlanta and setting the date for payment of taxes, approved February 21, 1951 (Ga. L. 1951, p. 3087), as amended, particularly by an Act approved February 8, 1955 (Ga. L. 1955, p. 2088), is amended by striking Section 6 in its entirety and inserting in lieu thereof a new Section 6 to read as follows:

“SECTION 6.

All taxes due to the State of Georgia on taxable property in Fulton County and all taxes due to Fulton County and the City of Atlanta shall be paid between July 1 and October 15 of each year. Any of said taxes not paid in full by the last day specified shall, notwithstanding any existing law, be in default and shall bear the interest and

penalties now or hereafter provided by law for taxes which are delinquent or in default, and executions shall be issued therefor.”

SECTION 2.

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

SECTION 3.

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

Senator Thomas of the 10th moved that SB 506 be placed on the Table.

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

Y	Abernathy	Y	Griffin	N	Price,R
N	Balfour	N	Guhl	N	Price,T
N	Blitch	Y	Harbison	Y	Ragan
N	Boshears		Henson	N	Ralston
N	Bowen		Hill	N	Ray
N	Broun, 46th	N	Hooks		Roberts
Y	Brown, 26th	N	Huggins		Scott
N	Brush	Y	James	Y	Starr
N	Burton	Y	Johnson,D	Y	Stokes
N	Cagle	N	Johnson,E	N	Streat
	Cheeks	Y	Kemp	N	Tanksley
	Clay	N	Lamutt	Y	Taylor
N	Crotts	N	Land	N	Thomas,D
Y	Dean		Langford	Y	Thomas,N
N	Egan		Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	N	Tysinger
N	Glanton	N	Oliver	Y	Walker
N	Gochenour		Perdue		

On the motion, the yeas were 20, nays 27, and the motion to Table was lost.

On the adoption of the committee substitute, the yeas were 33, nays 9, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

N	Abernathy	Y	Dean	N	James
Y	Balfour	Y	Egan		Johnson,D
Y	Blitch	N	Fort	Y	Johnson,E
Y	Boshears	Y	Gillis	Y	Kemp
Y	Bowen	Y	Glanton	Y	Lamutt
Y	Broun, 46th	Y	Gochenour	Y	Land
Y	Brown, 26th	N	Griffin		Langford
Y	Brush	Y	Guhl	Y	Madden
Y	Burton	N	Harbison	N	Marable
Y	Cagle		Henson	N	Middleton
	Cheeks	Y	Hill	Y	Oliver
Y	Clay	Y	Hooks		Perdue
Y	Crotts	Y	Huggins		

Y Price,R	Scott	Y Thomas,D
Y Price,T	Starr	N Thomas,N
Y Ragan	N Stokes	Y Thompson
Y Ralston	Y Streat	Y Turner
Y Ray	Y Tanksley	Y Tysinger
Y Roberts	Y Taylor	Walker

On the passage of the local bill, the yeas were 39, nays 9.

The bill on the Local Contested Calendar, having received the requisite constitutional majority, was passed by substitute.

SENATE RULES CALENDAR

Wednesday, February 18, 1998

TWENTY-THIRD LEGISLATIVE DAY

- SB 540 Probate Courts-local legislation allowing to hear appeals, hold jury trials (Substitute)(Judy-51st)
- HB 571 Superior Court Clerks' Retirement; post retirement benefit increases (Ret-5th) Lee-94th
- SB 565 Education-relating to student program counts (Amendment)(Ed-4th)
- SB 535 Educators-Professional Standards Commission, code of ethics (Substitute)(Ed-4th)
- SB 586 State Patrol Trooper-requirements for appointment (Pub Saf-19th)
- SB 474 State Government-relations with nonprofit organizations providing services (Substitute)(F&PU-14th)
- SB 477 Garnishment-filing of certain answers, behalf of corporate garnishee (Substitute)(Judy-23rd)
- SB 526 Health Insurance-when insurer pays directly to provider (Substitute)(H&HS-22nd)
- SB 558 Teachers Retirement System Beneficiary-relating to restoration to service (Amendment)(Ret-5th)
- SB 592 Workers' Compensation-relating to National Guard and firemen (D&VA-15th)
- HR 813 ~ "George T. Smith Highway"; designate (Trans-33rd) Barnes-33rd
- HR 741 ~ "Reddish-Warren Bypass"; designate portion of Highway 23 (Trans-6th) Mosley-171st

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

Senator Stokes of the 43rd introduced representatives from the National Council of Negro Women, Inc. commended by SR 576, adopted previously.

The Calendar was resumed.

SB 540. By Senators Ralston of the 51st and Oliver of the 42nd:

A bill to amend Article 6 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jury trials and appeals to be heard by probate courts, so as to allow counties with populations under 96,000 to elect by local legislation to have their probate courts enabled to hear appeals and hold jury trials; to provide for restrictions.

The Senate Judiciary Committee offered the following substitute to SB 540:

A BILL

To be entitled an Act to amend Article 6 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jury trials and appeals to be heard by probate courts, so as to allow counties with populations under 96,000 to elect by local legislation to have their probate courts enabled to hear appeals and hold jury trials; to provide for restrictions; 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 6 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to jury trials and appeals to be heard by probate courts, is amended by striking Code Section 15-9-120, relating to definitions applicable to probate court jurisdiction, and inserting in lieu thereof a new Code Section 15-9-120 to read as follows:

“15-9-120.

As used in this article, the term:

(1) ‘Civil case’ means those civil matters:

(A) Over which the judge of the probate court exercises judicial powers;

(B) Within the original, exclusive, or general subject matter jurisdiction of the probate court; and

(C) Which, if not for this article and Code Section 5-6-33, could be appealed to superior court for a de novo investigation with the right to a jury trial under Code Sections 5-3-2 and 5-3-29.

(2) ‘Probate court’ means either:

(A) A a probate court of a county having a population of more than 96,000 persons according to the United States decennial census of 1990 or any future such census in which the judge thereof has been admitted to the practice of law for at least seven years; or

(B) If a county so elects by local legislation, a probate court of a county having a population of 96,000 or fewer persons according to the United States decennial census of 1990 or any future such census in which the judge thereof has been elected to the office and has been admitted to the practice of law for at least seven years.”

SECTION 2.

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

Senators Ray of the 48th and Balfour of the 9th offered the following amendment:

Amend the committee substitute to SB 540 by inserting on page 1, line 6 after the “;” the following: “To allow probate judges to post notices inside the courthouse; to provide for conditions;”

by inserting a new Section 2 on line 11 as follows:

Article 1 of Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to general provisions regarding probate courts, is amended by adding immediately following Code Section 15-9-17 a new Code Section 15-9-18 to read as follows:

“15-9-18.

Notwithstanding any other provision of law to the contrary, whenever a probate judge is required by law or ordinance to post a notice on the courthouse door, such notice may instead be posted on a conspicuous bulletin board inside the courthouse in a location which is accessible to the public 24 hours a day, 365 days a year.”

by renumbering current Section 2 as new Section 3

On the adoption of the amendment, the yeas were 38, nays 0, and the Ray, Balfour amendment to the committee substitute was adopted.

Senator Ralston of the 51st offered the following amendment:

Amend the committee substitute to SB 540 by adding on page 2, line 9 after “the following: “Local legislation making such an election may not be repealed by local legislation.”

On the adoption of the amendment, the yeas were 31, nays 2, and the Ralston amendment to the committee substitute was adopted.

On the adoption of the committee substitute, the yeas were 31, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Price,R
Y Balfour	Y Guhl	Y Price,T
N Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 1.

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

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Senator Egan of the 40th introduced the doctor of the day, Dr. Bert Loftman of Atlanta, Georgia.

The Calendar was resumed.

HB 571. By Representative Lee of the 94th:

A bill to amend Chapter 14 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Clerks' Retirement Fund of Georgia, so as to provide that the board of trustees of such retirement system may grant post retirement benefit increases under certain circumstances.

Senate Sponsor: Senator Burton of the 5th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

The following communication was received by the Secretary:

Dear Mr. Secretary:

I would like to hereby request that the record reflect that I am in full support of House Bill 571 which passed the Senate today by a 48 0 vote.

Due to a momentary distraction, I failed to cast my "yea" vote on this important bill.

Sincerely,

/s/ Harold J. Ragan

The Calendar was resumed.

SB 565. By Senators Hill of the 4th, Marable of the 52nd and Oliver of the 42nd:

~~A bill to amend Code~~ Section 20-2-160 of the Official Code of Georgia Annotated, relating to student program counts, so as to change the provisions regarding program counts for students in the program established in Code Section 20-2-161.1.

The Senate Education Committee offered the following amendment:

Amend SB 565 by adding after the first semicolon on line 5 of page 1 the following:

“to provide for an effective date;”

By adding between lines 37 and 38 of page 2 the following:

“SECTION 1.1.

This Act shall become effective on July 1, 1999.”

On the adoption of the amendment, the yeas were 34, nays 0, and the committee amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 50, nays 0.

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

SB 535. By Senators Hill of the 4th, Starr of the 44th, Brown of the 26th and Marable of the 52nd:

A bill to amend Article 17 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to teachers and school personnel, by repealing in its entirety Part 1, relating to the Professional Practices Commission; to amend Part 10 of said article, the “Georgia Professional Standards Act,” so as to add additional purposes; to add definitions; to authorize the Professional Stan-

dards Commission to remove any commissioner from office under certain circumstances.

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The Senate Education Committee offered the following substitute to SB 535:

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, by repealing in its entirety Part 1 of Article 17, relating to the Professional Practices Commission; to amend Part 10 of Article 17 of Chapter 2 of Title 20, the "Georgia Professional Standards Act," so as to add additional purposes; to add definitions; to authorize the Professional Standards Commission to remove any commissioner from office under certain circumstances; to authorize the commission to impose disciplinary sanctions against educators under certain circumstances and to provide consultative services on certain subjects; to require the commission to adopt standards of performance and a code of ethics for educators; to require local boards of education upon a good faith belief that an educator has committed any one of certain criminal offenses to report such matters to the commission for investigation; to authorize the commission to investigate violations by educators of various laws, codes of ethics, and other regulations of the commission; to provide a procedure for the preliminary investigation including time limits and notice requirements; to prohibit an applicant under investigation from withdrawing his or her application; to require the commission to review the report of the investigation to determine whether a particular disciplinary action should be imposed within a specified time period and to authorize an extension of time under certain circumstances; to provide for a hearing in contested cases prior to imposing a sanction; to require that all reports pertaining to the educator be expunged if no disciplinary action is taken or if the educator is exonerated after a hearing; to provide for local school board hearings; to change certain references; to amend Article 2 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to the Office of State Administrative Hearings, to repeal the provision which provides that the Professional Practices Commission shall convene a tribunal which shall hear all evidence and render findings of fact, conclusions of law, and recommendations in all case proceedings; to provide for transfer of pending cases from the Professional Practices Commission to the Professional Standards Commission; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, is amended by repealing in its entirety Part 1 of Article 17, relating to the Professional Practices Commission, which reads as follows:

"Part 1

20-2-790.

This part shall be known and may be cited as the 'Professional Teaching Practices Act.'

20-2-791.

It is the intent and purpose of the General Assembly that the practice of teaching and the rendering of administrative and supervisory services are recognized and declared to be professional services affected with the public interest. Teaching is declared to be a profession in this state with all similar rights, responsibilities, and privileges ac-

corded other recognized professions; and this part shall be liberally construed so as to accomplish the foregoing purpose.

20-2-792.

As used in this part, the term:

(1) 'Commission' means the Professional Practices Commission.

(2) 'Educator' means teachers and school or school system administrators and other education personnel of this state who hold certificates, permits, or other certification documents issued by the Professional Standards Commission and persons who have applied for but have not yet received or been denied such certificates, permits, or other certification documents from the Professional Standards Commission.

(2.1) 'Expungement' means the records are sealed and labeled pursuant to Code Section 20-2-795.1.

(3) 'Local board' means the board of education of any local school system.

(4) 'Local school system' means any county school system or any independent school system of a municipality.

(5) 'Local superintendent' means the school superintendent of any local school system.

(6) 'State board' means the State Board of Education.

(7) 'State Superintendent' means the State School Superintendent.

(8) 'Teaching' means any professional service rendered or performed by an educator.

20-2-793.

(a) A Professional Practices Commission is created which shall be composed of 17 members as follows: four elementary schoolteachers, four secondary schoolteachers, one elementary school principal, one secondary school principal, two local superintendents, one representative of the Department of Education, who shall be exempt from paragraphs (3) and (4) of subsection (a) of Code Section 20-2-794, and four professional educators, who shall represent the Georgia education profession at large.

(b) A panel of three nominees for each position on the commission shall be submitted to the State Superintendent by the recognized state-wide professional education organizations. From the submitted list of nominees, the State Superintendent shall recommend the appointment of an educator for membership on the commission to the state board, which shall appoint such nominee to the commission for a term of three years. A commissioner shall be eligible for reappointment, but no person shall serve on the commission for more than two full terms.

(c) The commission may remove any commissioner from office for neglect of duty, incompetency, or revocation or suspension of his or her certificate issued by the Professional Standards Commission or when such commissioner ceases to be employed full time as an educator in the capacity and position from which he or she was appointed. After such removal, or in the event of a vacancy due to death, resignation, or for any other reason, the state board shall appoint a successor as provided in this Code section to serve the unexpired term.

(d) There is created the position of member emeritus of the commission. The executive director of the commission shall recommend to the commission a list of former members of the commission who are eligible for appointment as members emeritus. The commission may appoint such number of such persons as members emeritus as

the commission deems advisable to assist the commission in the execution of its duties, but not more than 17 persons shall serve as members emeritus at any one time. Members emeritus shall be appointed for a term of three years and no person shall be eligible to serve as a member emeritus for more than three years. To be eligible for service as a member emeritus, a person must have served as a member of the commission for a term which ended on or after January 1, 1993, must hold a valid Georgia educator certificate, and must be employed in the public schools of this state or by the Department of Education or be retired from employment in the public schools or the Department of Education. Members emeritus shall be eligible to serve as members of any hearing panel in any hearing conducted by the commission. Members emeritus shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses, not to exceed \$59.00 per day, incurred in the performance of their official duties and for mileage at the same rate as state officials and employees. A member emeritus of the commission who is an employee of the Department of Education or of a local board shall be permitted to attend commission meetings and perform other commission duties without loss of income or other benefits. A local board which employs a member emeritus of the commission and employs a person to replace such member emeritus during his or her performance of commission duties or incurs other additional expenses as a result of such performance shall be reimbursed for the actual amount of expenses so incurred. When acting in good faith in the course of their duties at meetings or hearings of the commission, members emeritus shall be privileged in their utterances.

20-2-794.

(a) To be eligible for appointment as a member of the commission, a person shall:

- (1) Be a citizen of the United States and a resident of this state;
- (2) Be certified to teach in this state;
- (3) Be employed in the public schools of this state at the time of appointment; and
- (4) Have been employed as an educator in the public schools of this state for at least five years immediately preceding his or her appointment.

(b) Immediately after appointment, each member of the commission shall take or subscribe to a written oath or affirmation required by law for state officers.

(c) Members of the commission shall receive no compensation for their services but shall be reimbursed for their actual and necessary expenses, not to exceed \$59.00 per day, incurred in the performance of their official duties and for mileage at the same rate as state officials and employees. A member of the commission who is an employee of the Department of Education or of a local board shall be permitted to attend commission meetings and perform other commission duties without loss of income or other benefits. A local board which employs a member of the commission and employs a person to replace such member during his or her performance of commission duties or incurs other additional expenses as a result of such performance shall be reimbursed for the actual amount of expenses so incurred.

(d) When acting in good faith in the course of their duties at meetings or hearings of the commission, members shall be privileged in their utterances.

20-2-795.

(a) It shall be the duty of the commission, by regulation, to adopt standards of performance and a code of ethics for educators. The standards of performance and code of ethics shall represent standards of performance and conduct which are generally ac-

cepted by educators of this state. In adopting regulations as provided in this Code section, the commission shall seek the advice of educators of this state. The standards of performance and code of ethics adopted by the commission shall be limited to professional performance and professional ethics.

(b) Upon the adoption by the commission of standards of performance and a code of ethics as provided in subsection (a) of this Code section, educators of this state shall be obliged to meet and comply with such standards of performance and to abide by such code of ethics.

20-2-795.1.

(a) Superintendents, associate or assistant superintendents, or directors of personnel shall make an immediate written report to the local board of education upon receiving a written report from any identified school system personnel or parent or custodian of a child enrolled in the school system that any school system educator employed by the local unit of administration has committed any of the following specifically identified crimes:

- (1) Murder, voluntary manslaughter, aggravated assault, aggravated battery, or kidnapping, as defined in Chapter 5 of Title 16;
- (2) Any sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17 or Code Sections 16-6-20 through 16-6-22.2;
- (3) Any sexual exploitation of a minor as provided for in Code Section 16-12-100;
- (4) Any offense involving marijuana or a controlled substance, as provided for in Chapter 13 of Title 16;
- (5) Any offense involving theft, as provided for in Articles 1 and 2 of Chapter 8 of Title 16; or
- (6) Unlawfully operating a motor vehicle after being declared a habitual violator, for violating Code Section 40-5-54, Code Section 40-6-391, Code Section 40-6-392, or Code Section 40-6-394 or any combination of such Code sections.

If the local board of education determines that the reported matters warrant investigation, then the local board of education shall, within a reasonable period of time but not later than 30 days from receipt of the report, transmit such report to the Professional Practices Commission with a request for investigation. The commission shall investigate and make recommendations on such reported matters in accordance with Code Sections 20-2-796 and 20-2-797. If the Professional Practices Commission finds that no probable cause exists to recommend disciplinary action or the educator investigated is exonerated after a hearing, then all records of the Professional Practices Commission investigation and of any hearing by the Department of Education or the State Board of Education, including all reports received pursuant to this subsection, made pursuant to this Code section and pertaining to the educator investigated shall be completely expunged.

(b) The reporting administrator and the local board of education shall have a good faith, reasonable basis to believe that the incident occurred or evidence exists and shall, in the written report, set forth such basis and detail the nature of the incident, evidence, and name of any and all known witnesses; and, in so reporting, the administrator and the local board shall be immune from any civil or criminal liability that might otherwise be incurred or imposed. However, the willful failure of any of such local school system administrators to comply with subsection (a) of this Code section shall be grounds for the commission's recommending to the local board of education or

the State Board of Education, or both, imposition on the administrator of any of the disciplinary actions set forth in Code Section 20-2-797. The reporting requirements set forth in this Code section are in addition to and not a substitute for any and all other reporting requirements related to child abuse which exist under Georgia law. 20-2-796.

(a) Upon request as provided in subsection (b) of this Code section, the commission shall be authorized to investigate:

- (1) Alleged violations by an educator of any law of this state pertaining to educators or the profession of education;
- (2) Alleged violations by an educator of the code of ethics of the commission;
- (3) Alleged violations by an educator of rules, regulations, or policies of the state board, the commission, the Professional Standards Commission, or a local board; or
- (4) Complaints alleging a failure by an educator to meet or comply with standards of performance of the commission, the Professional Standards Commission, the state board, or a local board.

(b) The commission shall not be authorized, on its own motion, to make an investigation pursuant to subsection (a) of this Code section but may make such an investigation:

- (1) Upon the request of a local board;
- (2) Upon the request of the state board or the Professional Standards Commission; or
- (3) Upon the request of one or more individual residents of this state.

(c) If the commission agrees to make an investigation pursuant to a request made under paragraphs (2) and (3) of subsection (b) of this Code section and if the proposed investigation involves one or more educators employed by a local board, the commission shall, prior to beginning such investigation, notify, in writing, the local board employing the educators of the following:

- (1) The names and addresses of the parties making the complaint that gave rise to the proposed investigation;
- (2) The names of the educators employed by the local board who are proposed to be investigated; and
- (3) An explanation of the complaint made against the educators employed by the local board.

(d) In making an investigation authorized by this Code section, the commission shall:

- (1) Be authorized to conduct probable cause and plenary hearings;
- (2) Have the power to administer oaths and affirmations; and
- (3) Have the power to issue subpoenas in the name of the commission to compel the attendance of witnesses and the production of documents and other things to be used as evidence. Such subpoenas shall be served in any manner now or hereafter provided for service of subpoenas issued by the superior courts. In the event any person fails or refuses to obey a subpoena issued under this paragraph, such failure or refusal shall constitute contempt of the commission. Upon application by the commission to the superior court of the county wherein such person resides or is found, the superior court shall have power, after notice and hearing, to adjudge such person in contempt and to punish such person by a fine not exceeding \$300.00 or by

imprisonment not exceeding 20 days or by both such fine and imprisonment and to enter such other orders and take such other action as may be necessary to enforce compliance with and obedience to the subpoena. At such hearing, the person subpoenaed shall be entitled to make any defense and to show any valid reason why he failed or refused to comply with the subpoena.

(e) No applicant who is under investigation by the commission shall be allowed to withdraw his or her application for a certificate, permit, or other certification document without the written consent of the commission. The commission shall retain its authority over those applicants to proceed with the denial of the certificate, permit, or other certification document upon any ground provided by law or to enter an order recommending denying the certificate, permit, or other certification document upon any ground provided by law. The suspension or expiration of any certificate, permit, or certification document, or its surrender without the written consent of the commission, shall not deprive the commission of its authority to do any of the following:

- (1) Institute or continue an investigation or a disciplinary proceeding against the holder of a certificate, permit, or other certification document upon any ground provided by law; or
- (2) Enter an order recommending to the Professional Standards Commission suspending or revoking the certificate, permit, or other certification document.

20-2-797.

(a) Following its completion of an investigation authorized by Code Section 20-2-796 but, in a contested case, not before the conclusion of a hearing held pursuant to Code Section 50-13-41, the commission may furnish to the local board, the state board, the Professional Standards Commission, or any combination thereof, findings of fact, conclusions of law, and recommendations. Based on its findings of fact and conclusions of law, the commission may recommend that no action be taken against the educators involved if the commission determined that the complaints against the educators were not justified. If the commission determined there was justification for the complaints against the educators involved, it may recommend any combination of the following actions:

- (1) That the educators be warned, reprimanded, monitored, or any combination thereof;
- (2) That the contracts of the educators be terminated, suspended, or not renewed; or
- (3) That the certificates of the educators be suspended or revoked.

(b) In addition to making recommendations pursuant to subsection (a) of this Code section, the commission may provide consultative services pertaining to the teaching profession to anyone who has a vested interest in education and make recommendations to the state board, to the Professional Standards Commission, or to local boards which will promote an improvement in the teaching profession. The commission shall be authorized to hold meetings for the purposes of determining recommendations pursuant to this subsection; and, at such meetings, the commission may receive testimony from educators or other persons interested in the improvement of the teaching profession; but the powers provided by subsection (d) of Code Section 20-2-796 may not be exercised pursuant to the authority of this subsection.

20-2-798.

The commission shall be authorized to employ an executive director and such other professional and clerical staff as may be necessary to administer and execute the re-

sponsibilities and functions of the commission as provided by this part. The executive director and all other employees of the commission shall be members of the unclassified service of the State Merit System of Personnel Administration as provided by Chapter 20 of Title 45. The executive director and all other employees of the commission shall be members of the Employees' Retirement System of Georgia. All employer contributions to the retirement system and for social security for such employees shall be paid from funds appropriated for the operation of the commission.

20-2-799.

(a) The funds necessary to carry out this part shall come from funds appropriated or otherwise made available to the commission created by this part.

(b) The commission is assigned to the Department of Education for administrative purposes only as prescribed by Code Section 50-4-3.

(c) The functions of the commission being in furtherance of educational purposes, the commission may accept gifts or grants of funds or property or services from any source.

(d) The commission is authorized to adopt such rules and regulations as may be necessary to carry out this part. Such rules and regulations shall be adopted pursuant to and in conformity with the applicable provisions of Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

20-2-800.

(a) The commission created by this part shall be the successor to and a continuation, without interruption, of the former Professional Practices Commission created by the former Act known as the 'Professional Teaching Practices Act,' approved April 19, 1967 (Ga. L. 1967, p. 840), as amended. The initial membership of the commission created by this part shall be the present membership of the former commission, and the members of the former commission shall continue to serve for the terms of office to which they were appointed. Upon the expiration of their terms of office or in the event of a vacancy, appointments of successors or to fill vacancies shall be made in accordance with this part.

(b) All rules, regulations, standards of performance, and code of ethics which may have been adopted by the former Professional Practices Commission shall continue in effect as rules, regulations, standards of performance, and code of ethics of the commission created by this part until modified or repealed pursuant to this part."

and inserting in lieu thereof a new Part 1 to read as follows:

"Part 1 Reserved"

SECTION 2.

Said Chapter 2 of Title 20 is further amended in Code Section 20-2-940, relating to grounds and procedure for terminating or suspending contracts of employment, by striking paragraph (1) of subsection (e) and inserting in lieu thereof a new paragraph (1) to read as follows:

"(1) The hearing shall be conducted before the local board, or the local board may designate a tribunal to consist of not less than three nor more than five impartial persons possessing academic expertise to conduct the hearing and submit its findings and recommendations to the local board for its decision thereon, ~~or the local board may refer the matter for hearing to a tribunal constituted by the Professional Practices Commission, created pursuant to Part 1 of this article.~~"

SECTION 3.

Said Chapter 2 of Title 20 is further amended by striking in its entirety Code Section 20-2-982, relating to purpose of the "Georgia Professional Standards Act," and inserting in lieu thereof a new Code Section 20-2-982 to read as follows:

"20-2-982.

The following constitute the major purposes of this part:

- (1) To simplify and make more efficient the process of certifying educational personnel in Georgia;
- (2) To attract the highest possible number of qualified personnel to become educators in Georgia;
- (3) To promote the hiring of qualified educators from other states to work in Georgia schools; and
- (4) To improve the level of preparation of educators, both pre-service and in-service, by requiring for purposes of certification those essential skills and that knowledge needed to deliver effective education;
- (5) To adopt standards of professional performance and a code of professional ethics for educators, both of which shall represent standards of performance and conduct which are generally accepted by educators of this state;
- (6) To investigate reports of specified criminal conduct, violations of professional or ethical codes of conduct, and violations of certain rules, regulations, and policies by school system educators;
- (7) To enforce the requirement that local school systems promptly report specified criminal conduct of school system educators to the commission; and
- (8) To impose disciplinary action or a denial of a certificate against an educator."

SECTION 4.

Said Chapter 2 of Title 20 is further amended by adding immediately following Code Section 20-2-982 a new Code section to be designated Code Section 20-2-982.1 to read as follows:

"20-2-982.1.

As used in this part, the term:

- (1) 'Commission' means the Professional Standards Commission.
- (2) 'Educator' means teachers and school or school system administrators and other education personnel of this state who hold certificates, permits, or other certification documents issued by the Professional Standards Commission and persons who have applied for but have not yet received or have been denied such certificates, permits, or other certification documents from the Professional Standards Commission.
- (3) 'Expungement' means the records are sealed and labeled pursuant to subsection (e) of Code Section 20-2-984.5.
- (4) 'Local board' means the board of education of any local school system.
- (5) 'Local school system' means any county school system or any independent school system of a municipality.
- (6) 'Local superintendent' means the school superintendent of any local school system.
- (7) 'State board' means the State Board of Education.

(8) 'State superintendent' means the State School Superintendent.

(9) ~~'Teaching' means any professional service rendered or performed by an educator.'~~

SECTION 5.

Said Chapter 2 of Title 20 is further amended by adding immediately following subsection (d) of Code Section 20-2-983, relating to the Professional Standards Commission, a new subsection, to be designated subsection (e), and to read as follows:

"(e) The commission may remove any commissioner from office for neglect of duty, incompetency, or revocation or suspension of his or her certificate issued by the Professional Standards Commission or when such commissioner ceases to be employed full time as an educator in the capacity and position from which he or she was appointed. After such removal, or in the event of a vacancy due to death, resignation, or for any other reason, the Governor shall appoint a successor as provided in this Code section to serve the unexpired term."

SECTION 6.

Said Chapter 2 of Title 20 is further amended by striking in its entirety Code Section 20-2-984, relating to certification of personnel, and inserting in lieu thereof a new Code Section 20-2-984 to read as follows:

"20-2-984.

(a) The commission shall create and implement standards and procedures for certifying educational personnel as qualified for a certificate to practice in the public schools of Georgia, including the following:

- (1) Procedures for limiting the number and types of certificates to the fewest possible consistent with providing qualified teachers for Georgia's schools;
- (2) In-service training and related requirements needed to renew or maintain certification;
- (3) Multiple or alternative routes to professional teacher certification; and
- (4) Requirements, including appropriate examinations and assessments, for acquiring and maintaining certification pursuant to Code Section 20-2-200.

(b) The commission shall recommend to the board of regents and private colleges and universities standards and procedures for preparing educational personnel to qualify for initial and renewable certification to practice in the public schools of Georgia, including the following:

- (1) Pre-service preparation;
- (2) Approval of teacher education programs, both graduate and undergraduate;
- (3) Approval of programs of alternative certification; and
- (4) The creation of innovative programs designed to increase the number of minority teachers entering the profession.

(c) All certificates in force in this state which were issued by the state board prior to July 1, 1991, shall continue in full force and effect, subject to all the terms and conditions under which they were issued, until they expire by virtue of their own limitations or until their terms or conditions are modified by action of the commission. All such certificates issued by the state board prior to July 1, 1991, shall be deemed to have been issued by the commission for purposes of any law or regulation relating to such certificates.

(d) The commission shall not have authority over the compensation, benefits, or working conditions of educational personnel in the public schools of Georgia; provided, however, that the commission shall have the authority to make recommendations to the State Board of Education regarding compensation as it relates to certification.

(e) The commission shall have the authority to suspend certification regulations and requirements upon the recommendation of the State Board of Education to the extent the commission deems essential for the successful implementation of demonstration plans as provided for in Code Section 20-2-251.

(f) The commission shall have the authority to deny, revoke, or suspend certification or renewal of a school system educator as provided for in Code Section 20-2-984.5.

(g) The commission shall have the authority to issue formal warnings, reprimands, monitoring, or any combination thereof to educators as provided for in Code Section 20-2-984.5.

(h) The commission may provide consultative services pertaining to the teaching profession to anyone who has a vested interest in education and make recommendations to the state board or to local boards which will promote an improvement in the teaching profession. The commission shall be authorized to hold meetings for the purposes of determining recommendations pursuant to this subsection; and, at such meetings, the commission may receive testimony from educators or other persons interested in the improvement of the teaching profession; but the investigative powers of the commission may not be exercised pursuant to the authority of this subsection."

SECTION 7.

Said Chapter 2 of Title 20 is further amended by adding immediately following Code Section 20-2-984 new Code sections, to be designated Code Section 20-2-984.1, Code Section 20-2-984.2, Code Section 20-2-984.3, Code Section 20-2-984.4, and Code Section 20-2-984.5, and to read as follows:

"20-2-984.1.

(a) It shall be the duty of the commission, by regulation, to adopt standards of performance and a code of ethics for educators. The standards of performance and code of ethics shall represent standards of performance and conduct which are generally accepted by educators of this state. In adopting regulations as provided in this Code section, the commission shall seek the advice of educators of this state. The standards of performance and code of ethics adopted by the commission shall be limited to professional performance and professional ethics.

(b) Upon the adoption by the commission of standards of performance and a code of ethics as provided in subsection (a) of this Code section, educators of this state shall be obliged to meet and comply with such standards of performance and to abide by such code of ethics.

20-2-984.2.

(a) Superintendents, associate or assistant superintendents, or directors of personnel shall make an immediate written report to the local board of education upon receiving a written report from any identified school system personnel or parent or custodian of a child enrolled in the school system that any school system educator employed by the local unit of administration has committed any of the following specifically identified crimes:

(1) Murder, voluntary manslaughter, aggravated assault, aggravated battery, or kidnapping, as defined in Chapter 5 of Title 16;

- (2) Any sexual offense, as provided for in Code Sections 16-6-1 through 16-6-17 or Code Sections 16-6-20 through 16-6-22.2;
- (3) Any sexual exploitation of a minor as provided for in Code Section 16-12-100;
- (4) Any offense involving marijuana or a controlled substance, as provided for in Chapter 13 of Title 16;
- (5) Any offense involving theft, as provided for in Articles 1 and 2 of Chapter 8 of Title 16; or
- (6) Unlawfully operating a motor vehicle after being declared a habitual violator for violating Code Section 40-5-54, 40-6-391, 40-6-392, or 40-6-394 or any combination of such Code sections.

(b) If the local board of education determines that the matters reported under subsection (a) of this Code Section warrant investigation, then the local board of education shall, within a reasonable period of time but not later than 30 days from receipt of the report, transmit such report to the commission with a request for investigation. The reporting administrator and the local board of education shall have a good faith, reasonable basis to believe that the incident occurred or evidence exists and shall, in the written report, set forth such basis and detail the nature of the incident, evidence, and names of any and all known witnesses; and in so reporting the administrator and the local board shall be immune from any civil or criminal liability that might otherwise be incurred or imposed.

(c) The willful failure of any such local school system administrator to comply with subsection (a) of this Code section shall be grounds for the commission's recommending to the local board of education or the State Board of Education, or both, imposition on the administrator of any of the disciplinary actions set forth in Code Section 20-2-984.5.

(d) The reporting requirements set forth in this Code section are in addition to and not a substitute for any and all other reporting requirements related to child abuse which exist under Georgia law.

20-2-984.3.

(a) Upon receipt of a written request from a local board, the state board, or one or more individual residents of this state, the commission shall be authorized to investigate:

- (1) Alleged violations by an educator of any law of this state pertaining to educators or the profession of education;
- (2) Alleged violations by an educator of the code of ethics of the commission;
- (3) Alleged violations by an educator of rules, regulations, or policies of the state board, the commission, or a local board; or
- (4) Complaints alleging a failure by an educator to meet or comply with standards of performance of the commission, the state board, or a local board.

(b) The commission shall decide whether to conduct a preliminary investigation pursuant to this Code section within 30 days of the request unless an extension is granted pursuant to the procedure outlined in subsection (b) of Code Section 20-2-984.5.

20-2-984.4.

(a) If the commission agrees to investigate matters reported under Code Section 20-2-984.2 or Code Section 20-2-984.3, an investigator of the commission shall conduct a

preliminary investigation of the reported matters to determine if probable cause exists to recommend disciplinary action. Prior to beginning such investigation, the commission shall send written notification to the local board employing the educators of the following:

- (1) The names and addresses of the parties making the complaint that gave rise to the proposed investigation;
 - (2) The names of the educators employed by the local board who are proposed to be investigated; and
 - (3) An explanation of the complaint made against the educators employed by the local board.
- (b) In conducting an investigation authorized by this Code section, the commission shall:
- (1) Be authorized to conduct plenary hearings;
 - (2) Have the power to administer oaths and affirmations; and
 - (3) Have the power to issue subpoenas in the name of the commission to compel the attendance of witnesses and the production of documents and any other things to be used as evidence. Such subpoenas shall be served in any manner now or hereafter provided for service of subpoenas issued by the superior courts. In the event any person fails or refuses to obey a subpoena issued under this paragraph, such failure or refusal shall constitute contempt of the commission. Upon application by the commission to the superior court of the county wherein such person resides or is found, the superior court shall have power, after notice and hearing, to adjudge such person in contempt and to punish such person by a fine not exceeding \$300.00 or by imprisonment not exceeding 20 days or by both such fine and imprisonment and to enter such other orders and take such other action as may be necessary to enforce compliance with and obedience to the subpoena. At such hearing, the person subpoenaed shall be entitled to make any defense and to show any valid reason why he or she failed or refused to comply with the subpoena.
- (c) The investigation conducted pursuant to this Code section is limited to the matters asserted in the written complaint unless additional written complaints are filed. The commission shall be authorized to investigate any matters raised in any such additional complaints while investigating the original complaint.
- (d) Prior to being contacted by an investigator, but in no event later than the completion of the investigation conducted pursuant to this Code section, the educator shall receive written notification that he or she is the subject of an investigation and shall also receive written notification of the allegations against him or her. In addition, the educator shall be notified that the investigation shall be limited to those allegations unless additional written allegations are filed.
- (e) In no event shall a preliminary investigation take longer than 60 days without written permission from the commission, at which time a written finding of probable cause, or that no probable cause exists, must be made to the commission.
- (f) No applicant who is under investigation by the commission shall be allowed to withdraw his or her application for a certificate, permit, or other certification document without the written consent of the commission. The commission shall retain its authority over those applicants to proceed with the denial of the certificate, permit, or other certification document upon any ground provided by law. The suspension or expiration of any certificate, permit, or certification document, or its surrender without

the written consent of the commission, shall not deprive the commission of its authority to do any of the following:

- (1) Institute or continue an investigation or a disciplinary proceeding against the holder of a certificate, permit, or other certification document upon any ground provided by law;
- (2) Enter an order denying, suspending, or revoking the certificate, permit, or other certification document; or
- (3) Issue an admonition to the holder of a certificate, permit, or other certification document.

20-2-984.5.

(a) After a preliminary investigation authorized by Code Section 20-2-984.4, the commission shall review the report of the investigator and either determine that no further action need be taken or recommend that a particular disciplinary action be imposed. This determination shall not take longer than 60 days from receipt of the findings of the preliminary investigation.

(b) Prior to the expiration of that 60 day period referred to in subsection (a) of this Code section, the commission may extend the review period if unusual and compelling circumstances render it impracticable for the commission to complete its review within such period. Any such order shall recite with particularity the circumstances which render it impracticable for the commission to complete its review within such period. Any such extension by the commission shall be for a period of time not to exceed 30 days. Prior to the expiration of the extended review period, the review period may be further extended by further order of the commission for one additional period not to exceed 30 days if unusual and compelling circumstances render it impracticable to complete the review within the extended review period. Such further order further extending the review period shall likewise recite with particularity the circumstances which render it impracticable for the commission to complete its review within the review period as previously extended.

(c) If the commission finds that there is probable cause for imposing a sanction against the educator, it may recommend any combination of the following:

- (1) That the educator be warned, reprimanded, monitored, or any combination thereof; or
- (2) That the certificate of the educator be suspended or revoked.

(d) In a contested case, if the commission determines that probable cause exists to impose a sanction against an educator, a hearing shall be held pursuant to Code Section 50-13-41. Based on the findings of fact and conclusions of law of the administrative law judge as provided in that Code section, the commission may take any combination of the actions referred to in subsection (c) of this Code section.

(e) If after reviewing the findings of the preliminary investigation the commission finds that no probable cause exists to recommend disciplinary action or the educator investigated is exonerated after a hearing, then all records of the commission's investigation and of any hearing by the Department of Education or the State Board of Education, including all reports received pursuant to this subsection, made pursuant to this Code section pertaining to the educator investigated shall be completely expunged.

(f) In addition to making recommendations pursuant to subsection (c) of this Code section, the commission may provide consultative services pertaining to the teaching pro-

fession to anyone who has a vested interest in education and make recommendations to the state board or to local boards which will promote an improvement in the teaching profession. The commission shall be authorized to hold meetings for the purposes of determining recommendations pursuant to this subsection; and, at such meetings, the commission may receive testimony from educators or other persons interested in the improvement of the teaching profession; but the powers provided by subsection (d) of Code Section 20-2-984.5 may not be exercised pursuant to the authority of this subsection.”

SECTION 8.

Said Chapter 2 of Title 20 is further amended by striking paragraph (11) of Code Section 20-2-989.8, relating to the establishment and contents of complaint policies, in its entirety and inserting in lieu thereof a new paragraph (11) to read as follows:

“(11) A statement that a complainant shall not be the subject of any reprisal as a result of filing a complaint under this part. Should any reprisal occur, the complainant may refer the matter to the Professional Practices Standards Commission.”

SECTION 9.

Said Chapter 2 of Title 20 is further amended by striking subsection (d) of Code Section 20-2-1000, relating to liability of educators for disciplining students, in its entirety and inserting in lieu thereof a new subsection (d) to read as follows:

“(d) If any civil action is brought against any educator or any report or complaint is made or filed against any educator with the county or local board of education, the Department of Education, the Professional Practices Standards Commission, or any other regulatory agency or tribunal by a student, a parent or guardian of a student, or any other person on behalf of a student and arising out of or relating to the discipline of such student, it shall be the duty of the county or local board of education employing such educator to provide counsel for the educator, if requested by the educator, unless such board of education determines, after an independent investigation of the report or complaint, that the act or omission of the educator constituted willful or wanton misconduct or constituted gross misconduct in violation of the express written policies of the board of education. Neither testimony given in such independent investigation nor the results of any such independent investigation by the board of education shall be admissible in any other proceeding. The provision of counsel to such educator shall be for an educational purpose and any funds available to the board of education may be expended for such purpose. Any attorneys’ fees recovered pursuant to subsection (c) of this Code section attributable to the services furnished by any counsel provided to an educator by his or her employer shall be paid to the employer.”

SECTION 10.

Article 2 of Chapter 13 of Title 50 of the Official Code of Georgia Annotated, relating to the Office of Administrative Hearings, is amended by striking subsection (a) of Code Section 50-13-41, relating to hearing procedures, and inserting in its place a new subsection to read as follows:

“(a)(1) Whenever a state agency authorized by law to determine contested cases initiates or receives a request for a hearing in a contested case which is not presided over by the agency head or board or body which is the ultimate decision maker, the hearing shall be conducted by the Office of State Administrative Hearings, and such hearings shall be conducted in accordance with the provisions of this chapter and

the rules and regulations promulgated under this article, ~~except as provided in paragraph (2) of this subsection.~~

~~(2) The Professional Practices Commission shall convene a tribunal which shall hear all evidence and render findings of fact, conclusions of law, and recommendations in all case proceedings pursuant to Code Section 20-2-797 in accordance with rules and regulations promulgated by the Professional Practices Commission pursuant to this chapter. An assistant administrative law judge shall preside over any such proceeding and shall make necessary legal rulings and shall prepare a composite report of the tribunal's findings of fact, conclusions of law, and recommendations. Such composite report shall be transmitted to the Professional Practices Commission for approval.~~

~~(3)(2) An administrative law judge shall have the power to do all things specified in paragraph (6) of subsection (a) of Code Section 50-13-13."~~

SECTION 11.

This Act shall become effective on July 1, 1998. All cases pending before the Professional Practices Commission on June 30, 1998, shall be transferred to the Professional Standards Commission.

SECTION 12.

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

Senator Hill of the 4th offered the following amendment;

Amend the committee substitute to SB 535 by adding on Page 21, Line 33 after "section" the word "and"

On the adoption of the amendment, the yeas were 38, nays 0, and the Hill amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Glanton	Y Marable
Y Balfour	Y Gochenour	Y Middleton
Y Blicht	Griffin	Y Oliver
Y Boshears	Y Guhl	Y Perdue
Y Bowen	Y Harbison	Y Price,R
Y Broun, 46th	Y Henson	Y Price,T
Y Brown, 26th	Y Hill	Y Ragan
Brush	Y Hooks	Y Ralston
Y Burton	Y Huggins	Y Ray
Y Cagle	Y James	Y Roberts
Y Cheeks	Johnson,D	Y Scott
Y Clay	Y Johnson,E	Y Starr
Y Crotts	Y Kemp	Y Stokes
Y Dean	Y Lamutt	Y Streat
Y Egan	Y Land	Y Tanksley
Y Fort	Langford	Y Taylor
Y Gillis	Y Madden	Y Thomas,D

SB 477. By Senators Cheeks of the 23rd and Walker of the 22nd:

~~A bill to amend Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment proceedings, so as to provide that the filing of certain answers on behalf of corporate garnishees shall not constitute the practice of law and may be done by corporate officers or employees; to provide that delivery to the court of money or property admitted to be subject to garnishment may likewise be accomplished through a corporate officer or employee.~~

The Senate Judiciary Committee offered the following substitute to SB 477:

A BILL

To be entitled an Act to amend Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment proceedings, so as to provide that the filing of certain answers on behalf of corporate garnishees shall not constitute the practice of law and may be done by corporate officers or employees; to provide that delivery to the court of money or property admitted to be subject to garnishment may likewise be accomplished through a corporate officer or employee; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 18 of the Official Code of Georgia Annotated, relating to garnishment proceedings, is amended by adding at the end of Article 1, relating to garnishment in general, a new Code Section 18-4-8 to read as follows:

“18-4-8.

When proceedings are filed under any provision of this chapter involving a corporation as garnishee, the execution and filing of an answer shall not constitute the practice of law and may be done by an officer or employee of the corporation otherwise authorized to act for the corporation. The corporation’s payment into court of any money or property or money and property which is admitted to be subject to garnishment likewise shall not constitute the practice of law and may also be done by an authorized officer or employee of the corporation.”

SECTION 2.

Said chapter is further amended in Code Section 18-4-66, relating to forms for postjudgment garnishment, by striking from paragraph (4) the language below the signature line in the form for answer of garnishee, which language reads as follows:

“Garnishee or his attorney at law”,

and inserting in its place the following new language:

“Garnishee, garnishee’s attorney, or officer or agent of a corporate garnishee”

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.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 53, nays 0.

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

SB 526. By Senators Walker of the 22nd, Harbison of the 15th and Streat of the 19th:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance generally, and to amend Code Section 33-30-23 of the Official Code of Georgia Annotated, relating to preferred provider plans, standards, payments or reimbursement for noncontracting providers of covered services under health benefit plans, and filing requirements for unlicensed entities, so as to provide a definition.

The Senate Health and Human Services Committee offered the following substitute to SB 526:

A BILL

To be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance generally, and to amend Code Section 33-30-23 of the Official Code of Georgia Annotated, relating to preferred provider plans, standards, payments or reimbursement for noncontracting providers of covered services under health benefit plans, and filing requirements for unlicensed entities, so as to provide a definition; to provide that if a covered person provides in writing to a health care provider, whether the health care provider is a preferred provider or not, that payment for health care services shall be made solely to the health care provider and be sent directly to the health care provider by the health care insurer, and the health care provider certifies to same upon filing a claim for the deliv-

ery of health care services, the health care insurer shall make payment solely to the health care provider and shall send said payment directly to the health care provider; to provide for statutory construction; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance generally, is amended by adding at the end thereof a new Code Section 33-24-59.1 to read as follows:

“33-24-59.1.

(a) As used in this Code section, the term ‘health care insurer’ means any insurer which issues, delivers, issues for delivery, or renews an individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state by a health care corporation, health maintenance organization, preferred provider organization, accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, or other insurer or similar entity.

(b) Any other provision of law to the contrary notwithstanding, if a covered person provides in writing to a health care provider, whether the health care provider is a preferred provider or not, that payment for health care services shall be made solely to the health care provider and be sent directly to the health care provider by the health care insurer, and the health care provider certifies to same upon filing a claim for the delivery of health care services, the health care insurer shall make payment solely to the health care provider and shall send said payment directly to the health care provider. This subsection shall not be construed to extend coverages or to require payment for services not otherwise covered.”

SECTION 2.

Code Section 33-30-23 of the Official Code of Georgia Annotated, relating to preferred provider plans, standards, payments or reimbursement for noncontracting providers of covered services under health benefit plans, and filing requirements for unlicensed entities, is amended by adding at the end of said Code section a new subsection (e) to read as follows:

“(e) Any other provision of law to the contrary notwithstanding, if a covered person provides in writing to a health care provider, whether the health care provider is a preferred provider or not, that payment for health care services shall be made solely to the health care provider and be sent directly to the health care provider by the health care insurer, and the health care provider certifies to same upon filing a claim for the delivery of health care services, the health care insurer shall make payment solely to the health care provider and shall send said payment directly to the health care provider. This subsection shall not be construed to extend coverages or to require payment for services not otherwise covered.”

SECTION 3.

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

On the adoption of the substitute, the yeas were 33, nays 0, and the committee substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

SB 558. By Senators Burton of the 5th and Hill of the 4th:

A bill to amend Code Section 47-3-127 of the Official Code of Georgia Annotated, relating to the effect of restoration to service upon a beneficiary of the Teachers Retirement System of Georgia, so as to clarify the meaning of the term "restoration to service"; to provide that an employer which employs a beneficiary of such retirement system under certain circumstances shall reimburse the retirement system for benefits wrongfully paid to the beneficiary.

Senators Cheeks of the 23rd and Burton of the 5th offered the following amendment:

Amend SB 558 by striking line 2 of page 2 and inserting in lieu thereof the following:

"whichever is larger; provided, however, that such amount shall be increased by any annual cost-of-living adjustment reflected in the state teacher salary schedule."

On the adoption of the amendment, the yeas were 32, nays 0, and the Cheeks, Burton amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Brown, 26th	Y Crotts
Y Balfour	Y Brush	Y Dean
Y Blitch	Y Burton	Y Egan
Y Boshears	Y Cagle	Y Fort
Y Bowen	Y Cheeks	Y Gillis
Y Broun, 46th	Y Clay	

Y Glanton	Y Lamutt	Y Roberts
Y Gochenour	Y Land	Y Scott
Y Griffin	Langford	Y Starr
Y Guhl	Y Madden	Y Stokes
Y Harbison	Y Marable	Y Streat
Y Henson	Y Middleton	Y Tanksley
Y Hill	Y Oliver	Y Taylor
Y Hooks	Perdue	Y Thomas,D
Y Huggins	Y Price,R	Y Thomas,N
Y James	Y Price,T	Y Thompson
Johnson,D	Y Ragan	Y Turner
Y Johnson,E	Y Ralston	Y Tysinger
Y Kemp	Y Ray	Walker

On the passage of the bill, the yeas were 52, nays 0.

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

SB 592. By Senators Harbison of the 15th, Brush of the 24th and Johnson of the 2nd:

A bill to amend Code Section 34-9-260 of the Official Code of Georgia Annotated, relating to the basis for computing workers' compensation, so as to change the basis for computing the average weekly wage of certain members of the Georgia National Guard; to amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions regarding the indemnification of certain law enforcement officers, so as to include certain members of the Georgia National Guard and firemen.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 54, nays 0.

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

HR 813. By Representatives Barnes of the 33rd and Murphy of the 18th:

~~A resolution honoring~~ Honorable George T. Smith and designating a portion of Georgia Highways 112 and 93 as the "George T. Smith Highway"

Senate Sponsor: Senator Thompson of the 33rd.

Senators Thompson of the 33rd and Ragan of the 11th offered the following amendment:

Amend HR 813 by striking following the word Cairo on Line '31' of page 2 "and that portion of Georgia Highway 93 south of the City of Cairo"

On the adoption of the amendment, the yeas were 37, nays 0, and the Thompson, Ragan amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks		Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour		Perdue		

On the adoption of the resolution, the yeas were 49, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended.

HR 741. By Representatives Mosley of the 171st and Byrd of the 170th:

A resolution designating a portion of Georgia Highway 23 in Wayne County as the "Reddish-Warren Bypass"

Senate Sponsor: Senator Boshears of the 6th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y	Blitch	Y	Bowen
Y Balfour	Y	Boshears	Y	Broun, 46th

Y	Brown, 26th	Y	Hill	Y	Ragan
	Brush	Y	Hooks	Y	Ralston
Y	Burton	Y	Huggins	Y	Ray
Y	Cagle	Y	James	Y	Roberts
Y	Cheeks	Y	Johnson,D	Y	Scott
Y	Clay	Y	Johnson,E		Starr
Y	Crotts	Y	Kemp	Y	Stokes
Y	Dean	Y	Lamutt	Y	Streat
Y	Egan	Y	Land	Y	Tanksley
Y	Fort	Y	Langford	Y	Taylor
Y	Gillis	Y	Madden	Y	Thomas,D
Y	Glanton	Y	Marable	Y	Thomas,N
Y	Gochenour	Y	Middleton		Thompson
Y	Griffin	Y	Oliver	Y	Turner
Y	Guhl	Y	Perdue	Y	Tysinger
Y	Harbison	Y	Price,R	Y	Walker
Y	Henson	Y	Price,T		

On the adoption of the resolution, the yeas were 53, nays 0.

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

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

SB 474. By Senators Hooks of the 14th, Perdue of the 18th, Starr of the 44th and Walker of the 22nd:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change provisions relating to state government, so as to change provisions relating to state relations with nonprofit organizations providing services and facilities to the state; to define terms; to provide for required financial reporting and other reporting; to provide for audits; to provide for review by the state auditor; to provide for required corrective actions.

The Senate Finance and Public Utilities committee offered the following substitute:

A BILL

To be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change provisions relating to state relations with nonprofit organizations providing services and facilities to the state; to define terms; to provide for required financial reporting and other reporting; to provide for audits; to provide for review by the state auditor; to provide for required corrective actions; to provide for repayment of funds received by organizations not in compliance; to provide for the public nature of records; to provide for exceptions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 50 of the Official Code of Georgia Annotated, relating to state government, is amended by striking in its entirety Chapter 20 which reads as follows:

"CHAPTER 20

50-20-1. www.libtool.com.cn

The General Assembly finds that state agencies are increasingly utilizing nonprofit contractors to provide services and facilities for state programs and that an increasing amount of public funds is being paid to nonprofit contractors. The General Assembly finds that the state has a right and a duty to monitor nonprofit contractors who contract with the state to ensure that their activities are in the public interest and to ensure that public funds are used for proper purposes. Accordingly, the General Assembly finds that there is a need for a law providing a reporting procedure to ensure the financial accountability of nonprofit contractors and to develop adequate information about nonprofit contractors. The General Assembly finds that the procedure is necessary to establish adequately the dimensions of the relationship between a state agency and a nonprofit contractor.

50-20-2.

As used in this chapter, the term:

(1) 'Nonprofit contractor' means any individual, partnership, corporation, association, organization, or similar entity which contracts with and receives public funds from a state agency to provide services on a nonprofit basis. The term 'nonprofit contractor' includes only those entities which do not distribute any part of their income or profit to members, directors, officers, or any other private person. The term 'nonprofit contractor' shall not include authorities, nonprofit hospitals, nonprofit nursing homes, state-wide associations of local governments, any educational institution of higher learning located in this state and accredited by the Southern Association of Colleges and Schools, any nonprofit organization which, during the applicable fiscal year of the organization, does not receive more than a total of \$5,000.00 from all state agencies combined, the federal government, state or local governments, or school systems or their agencies, but shall include regional development centers and community action agencies. If a state agency contracts with a unit in this state of a national or multistate organization, the state unit shall be considered the nonprofit contractor for the purposes of this chapter.

(2) 'State agency' means the state or any of its departments, boards, bureaus, commissions, authorities, or other agencies. The term 'state agency' shall not include agricultural commodity commissions created pursuant to Chapter 8 of Title 2.

50-20-3.

(a) Before entering into a contract with a nonprofit contractor, a state agency shall require the contractor to:

(1) Furnish the state agency with certified financial statements showing the nonprofit contractor's financial condition at the end of the previous fiscal year and revenues and expenditures for the previous fiscal year. Where the nonprofit contractor has been in existence for less than a full year, the financial statements shall cover the operations year to date for the current year. The financial statements shall include an individual listing of each employee and his salary and reimbursable expenses, a listing by category of the sources of income of the nonprofit contractor, and a listing of the source or sources of all public funds received by the nonprofit contractor and the program for which the funds were received;

(2)(A) Furnish annually to the state agency, after the end of the nonprofit contractor's fiscal year, the report of an independent auditor acceptable to the state

agency with the predominant interest. The report shall cover the nonprofit contractor's activities for the fiscal year just ended, the nonprofit contractor's financial condition at the end of the fiscal year just ended, and shall contain at minimum the financial, compliance, internal control, and Federal Financial Assistance information in a format as described in Public Law 98-502 known as the Single Audit Act of 1984 and its implementing regulation, OMB Circular A-128. The report shall also include a schedule of Federal Financial Assistance, a listing of each employee's salary and reimbursable expenses paid during the fiscal year just ended, and any other schedules, reports, and exhibits required by the contracting state agencies. All audits shall be conducted in accordance with generally accepted government auditing standards established by the comptroller general of the United States. The state agency with the predominant interest shall be that state agency which has contracted to pay to the nonprofit contractor the largest aggregate amount of money covered by the audit report.

(B) It shall be the duty of the state agency with the predominant interest to review each audit report and no other state agency shall be required to do so;

(3) Provide on an annual basis, after the end of the nonprofit contractor's fiscal year, a summary statement, for each contracted program, of the services delivered, the number of people served, and such other information as the state agency shall require. A copy of each summary statement shall be furnished by the nonprofit contractor to the state agency; and

(4) Refrain from political activities including endorsement of any political candidate or party, use of machinery, equipment, postage, stationery, or personnel in behalf of any candidate or any question of public policy subject to a referendum, or the display of political posters, stickers, or other printed material.

(b) For the purposes of paragraphs (1) through (3) of subsection (a) of this Code section, if for any nonprofit contractor's fiscal year:

(1) There are or will be in operation during such fiscal year contracts from more than one state agency but no contracts or grants from any federal agency, then the reports required by such paragraphs prepared for the agency with the predominant interest shall be accepted by the other state agencies as fulfilling such requirements; or

(2) There are in operation during such fiscal year contracts from one or more state agencies and contracts or grants from one or more federal agencies and the nonprofit contractor was required to provide reports to the federal agency or agencies which substantially comply with the requirements of such paragraphs, then the state agency shall accept such reports as fulfilling such requirements.

(c) No state agency shall transfer to a nonprofit contractor any public funds from any source if the nonprofit contractor does not comply with the requirements of this Code section.

(d) A state agency may require, in accordance with law, nonprofit contractors to submit reports in addition to those required by this chapter and may require nonprofit contractors to meet requirements in addition to those specified by this chapter.

(e) A nonprofit contractor shall furnish the state agency with a financial audit required by paragraph (2) of subsection (a) of this Code section and the summary statement required by paragraph (3) of subsection (a) of this Code section within 120 days after the end of the nonprofit contractor's fiscal year unless the state agency with the

predominant interest, in its discretion, authorizes additional time for the filing of the reports. In no case shall the information be filed later than 180 days after the end of the annual reporting period. Any nonprofit contractor who receives less than \$25,000.00 in contracts or grants in any year shall not be required to submit a certified audit but shall submit a financial summary and statement with such information as required by the agency administering such contract or grant.

50-20-4.

(a) A nonprofit contractor which receives public funds from a state agency pursuant to a contract with the state agency and which after having received the funds does not comply with this chapter shall be required to repay the funds to the state agency and shall be prohibited from receiving funds from any state agency for a period of 12 months from the date of notification by the state agency of the failure to comply.

(b) This Code section shall be cumulative to any other penalties applicable to the misuse of public funds.

(c) The prohibition referred to in subsection (a) of this Code section against receiving funds from any state agency shall not apply to grants to regional educational service agencies under Part 11 of Article 6 of Chapter 2 of Title 20 or to HUD-701 planning grants to regional development centers.

50-20-5.

Prior to each regular session of the General Assembly, each state agency shall submit to the members of the House and Senate Appropriations Committees a report containing the following information for the preceding fiscal year:

- (1) The name and address of each nonprofit contractor with which the state agency contracted; and
- (2) The amount of public funds received by the nonprofit contractor from the state agency.

50-20-6.

The certified financial statements, financial audits, and summary statements required by this chapter shall be public records and shall be made available for public inspection during regular office hours.

50-20-7.

(a) Except as provided in paragraphs (1) through (4) of subsection (b) of this Code section, all contracts between a nonprofit contractor and a state agency shall be subject to this chapter.

(b) This chapter shall not apply to the following:

- (1) Contracts entered into after competitive bids, including amendments thereto;
- (2) Individual employment contracts;
- (3) Contracts entered into on or after March 31, 1976, and prior to March 30, 1977, with a state agency by any authority, nonprofit hospital, nonprofit nursing home, state-wide association of local governments, any educational institution of higher learning located in this state and accredited by the Southern Association of Colleges and Schools, or any nonprofit organization which received not more than a total of \$5,000.00 from all state agencies combined during the fiscal year of the organization in which it entered into the contract;

(4) Nonprofit health care plans operated pursuant to Chapter 19 of Title 33, relating to hospital service nonprofit corporations, Chapter 20 of Title 33, relating to health care plans, or Chapter 18 of Title 33, relating to nonprofit medical service corporations; and

(5) Resource Conservation and Development Councils under the federal Resource Conservation and Development Program of the Secretary of the Department of Agriculture.

50-20-8.

Any provisions of this chapter which are in conflict with federal law or regulations applicable to a particular nonprofit contractor shall not apply if the provisions would cause such nonprofit contractor to lose federal funds.”,

and inserting in its place a new Chapter 20 to read as follows:

“CHAPTER 20

50-20-1.

The intent of this chapter is to provide auditing and reporting requirements for nonprofit organizations which provide services and facilities to the state, to ensure the financial accountability of nonprofit contractors, and to develop adequate information concerning nonprofit contractors. The General Assembly finds that the state has a right and a duty to monitor nonprofit organizations which contract with the state to ensure that their activities are in the public interest and to ensure that public funds are used for proper purposes.

50-20-2.

As used in this chapter, the term:

(1) ‘Corrective action plan’ means a plan of corrective action prepared by the nonprofit organization which addresses each audit finding included in the auditor’s report. The corrective action plan shall provide the name or names of the contact person or persons responsible for the corrective action, the corrective action planned, and the anticipated completion date. If the nonprofit organization does not agree with audit findings or believes corrective action is not required, the corrective action plan shall then include an explanation and specific reasons.

(2) ‘Generally accepted accounting principles’ means generally accepted accounting principles specified in generally accepted auditing standards issued by the American Institute of Certified Public Accountants.

(3) ‘Generally accepted auditing standards’ means auditing standards issued by the American Institute of Certified Public Accountants for the conduct and reporting of financial audits.

(4) ‘Generally accepted government auditing standards’ means generally accepted government auditing standards issued by the Comptroller General of the United States, which are applicable to financial audits.

(5) ‘Nonprofit organization’ means any corporation, trust, association, cooperative, or other organization that is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; is not organized primarily for profit; and uses its net proceeds to maintain, improve, or expand its operations. The term nonprofit organization includes nonprofit institutions of higher education and hospitals. For financial reporting purposes guidelines issued by the American Insti-

tute of Certified Public Accountants should be followed in determining nonprofit status.

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(6) 'Reporting package' means a package of documents containing a specified audit report, a summary schedule of prior year audit findings, and a corrective action plan for unresolved prior year and current year audit findings. Each audit report should include a schedule of findings and questioned costs and, if deemed necessary by the head of the contracting state organization, a schedule of state awards expended.

(7) 'Schedule of state awards expended' means a schedule arranged by state program name and contract number which reflects revenues, expenditures, or expenses and amounts owed to or due from each state organization. Amounts listed for each program should include state or federal funds, or both, which pass through state organizations to the nonprofit contractor.

(8) 'State awards' means state or federal funds, or both, received from state organizations through contractual agreement.

(9) 'State awards expended' means the disbursement or obligation of state awards by a nonprofit organization.

(10) 'State funds' means that portion of contracts funded by state appropriations or other revenue sources retained by the contracting state organization but does not include federal pass-through assistance. State funds represent the basis for determination of appropriate audit requirements set forth in paragraphs (1) and (2) of subsection (b) of Code Section 50-20-3.

(11) 'State organization' means any organization included within the state financial reporting entity. Such organizations include all departments, boards, bureaus, commissions, authorities and other such organizations whose financial activities and balances are included within the State of Georgia Comprehensive Annual Financial Report.

(12) 'Summary schedule of prior year audit findings' means a schedule reporting the status of all audit findings included in the prior audit's schedule of findings and questioned costs. The schedule shall also include audit findings reported in the prior audit's summary schedule of prior audit findings which were listed as uncorrected.

50-20-3.

(a) Before entering into a financial agreement with a nonprofit organization, the head of the contracting state organization shall require the nonprofit organization to furnish financial and such other information as he or she may deem necessary to establish whether or not the nonprofit organization is financially viable and capable of providing services contemplated in the contract and that the agreement does not violate Chapter 10 of Title 45 related to conflicts of interest. Such information may include financial statements, Internal Revenue Service exempt status determination letters, Internal Revenue Service exempt organization information returns, and other related materials.

(b) State organizations which have entered into a financial agreement with a nonprofit organization shall require:

(1) A nonprofit organization which has expended \$100,000.00 or more during its fiscal year in state funds to provide for and cause to be made annually an audit of the financial affairs and transactions of all the nonprofit organization's funds and activi-

ties. The audit shall be performed in accordance with generally accepted auditing standards;

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(2) A nonprofit organization which has expended less than \$100,000.00 in a fiscal year in state funds shall forward to the state auditor and each contracting state organization a copy of the nonprofit organization's financial statements. If annual financial statements are reported upon by a public accountant, the accountant's report must accompany them. If not, the annual financial statements must be accompanied by the statement of the president or person responsible for the nonprofit organization's financial statements:

(A) Stating the president's or other person's belief as to whether the statements were prepared on the basis of generally accepted accounting principles and, if not, describing the basis of preparation; and

(B) Describing any respects in which the statements were not prepared on a basis consistent with the statements prepared for the preceding year.

(3) A nonprofit organization which receives funds from a state organization and which meets the federal audit requirements of the Single Audit Act Amendments of 1996 shall submit audit reports and reporting packages performed in accordance with Office of Management and Budget regulations.

(c) All financial statements required in paragraphs (1) and (3) of subsection (b) of this Code section shall be prepared in conformity with generally accepted accounting principles.

(d) Audits made in accordance with this Code section shall be in lieu of any financial audit or reporting requirements under individual state awards. Audits and financial statements required under this Code section, however, shall neither limit the authority of state organizations or the state auditor to conduct or arrange for additional audits of nonprofit organizations contracting with the state. Any additional audits shall be planned and performed in such a way as to build upon work performed by other auditors and shall be funded by the contracting state organization.

(e) Reporting packages or financial statements shall be forwarded to the state auditor and each contracting state organization within 180 days after the close of the nonprofit organization's fiscal year. The state auditor, for good cause, may waive the requirement for completion of an audit within 180 days. Such waiver shall be for an additional period of not more than 90 days, and no such waiver shall be granted for more than two successive years to the same nonprofit organization. The state auditor may prescribe an electronic format for financial statement and audit package submission purposes.

(f) Nonprofit organizations which receive funds from state organizations shall refrain from political activities, including endorsement of any political candidate or party, use of machinery, equipment, postage, stationery, or personnel on behalf of any candidate or any question of public policy subject to referendum.

50-20-4.

(a) The state auditor shall review the nonprofit organization's reporting package or financial statements to ensure compliance with the requirements for audits and financial statement presentation for nonprofit organizations. If the state auditor finds such requirements have not been met, the state auditor within 60 days of receipt of the reporting package or financial statements shall submit a list of deficiencies to be cor-

rected to the nonprofit organization and, if appropriate, to the auditor who performed the audit and to the affected state organizations.

(b) If the state auditor has not received the required reporting package or financial statements by the date specified in subsection (e) of Code Section 50-20-3, the state auditor shall within 30 days of such date notify the appropriate state organizations to cease all payments to the nonprofit organization.

(c) The state auditor shall promptly notify appropriate law enforcement officials of any reported irregularities or illegal acts.

50-20-5.

(a) It shall be the duty of the contracting state organization to determine the financial viability of the nonprofit organization as described in subsection (a) of Code Section 50-20-3 before entering into a financial agreement with a nonprofit organization and to monitor the performance of the nonprofit organization under terms of the financial agreement.

(b) State organizations entering into agreements with nonprofit organizations shall report to the state auditor all such agreements and shall provide each individual nonprofit organization's name, fiscal year end, contract amount, and other information as required by the state auditor.

(c) When contracting with a nonprofit organization, a state organization shall provide the nonprofit organization with the following financial and compliance information:

(1) Identification of any state funds included as part of the contract. Such identification should include the contract number;

(2) Identification of any federal pass-through assistance included as part of the contract. Such identification should include the Catalog of Federal Domestic Assistance number; and

(3) Identification of requirements imposed by federal laws, regulations, and the provisions of contracts as well as any state or supplementary requirements imposed by state law or the contributing state organization.

(d) State organizations contracting with nonprofit organizations shall review the corrective action plans to ensure that appropriate corrective action has been taken by the nonprofit organization. If the corrective action listed is determined to be inappropriate, the state organization should formally request additional corrective action by the nonprofit organization. No state organization shall transfer to a nonprofit organization any public funds from any source if a nonprofit organization does not take appropriate corrective action for findings determined to be significant by the state organization.

50-20-6.

(a) A nonprofit organization which receives state awards from a state organization and which, after having received the funds, does not comply with this chapter shall be required to repay the funds to the state organization and shall be prohibited from receiving funds from any state organization for a period of 12 months from the date of notification by the state organizations or the state auditor of the failure to comply.

(b) This Code section shall be cumulative to any other penalties applicable to the misuse of public funds.

50-20-7.

All reporting packages, financial statements, audit reports, and other schedules required by this chapter shall be public records and shall be made available for public inspection during regular office hours.

50-20-8.

(a) Except as provided in paragraphs (1) through (3) of subsection (b) and paragraphs (1) and (2) of subsection (c) of this Code section, all contracts between a nonprofit organization and a state organization shall be subject to this chapter.

(b) This chapter shall not apply to:

(1) Procurement contracts used to buy goods or services from vendors;

(2) Individual employment contracts; and

(3) Benefit payments or other related payments made by state organizations to a nonprofit organization on behalf of individuals for health care or other services.

(c) The provisions of subsection (b) of Code Section 50-20-3 shall not apply to the following:

(1) Nonprofit organizations affiliated with the University System of Georgia which are organized or operated primarily for the purpose of serving, soliciting, receiving, and investing gifts and donations in the name of the board of regents or individual units of the University System of Georgia or related programs and which expend less than \$25,000.00 in state awards;

(2) Nonprofit organizations affiliated with the State Board of Technical and Adult Education or with postsecondary technical schools operated under the state level management and operational control of the State Board of Technical and Adult Education which organizations are operated primarily for the purpose of serving, soliciting, receiving, and investing gifts and donations for the board, such schools, or related programs and which expend less than \$25,000.00 in state awards; and

(3) Nonprofit organizations which expend less than \$25,000.00 in state awards.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 46, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Clay	Y Henson
Y Balfour	Y Crotts	Y Hill
Y Blitch	Y Dean	Y Hooks
Y Boshears	Y Egan	Y Huggins
Y Bowen	Fort	Y James
Y Broun, 46th	Y Gillis	Y Johnson,D
Y Brown, 26th	N Glanton	Y Johnson,E
Y Brush	Y Gochenour	Y Kemp
Y Burton	Y Griffin	Y Lamutt
Y Cagle	Y Guhl	Y Land
Y Cheeks	Y Harbison	Y Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	Y Ray	Y Thomas,D
Y Middleton	Y Roberts	Y Thomas,N
Y Oliver	Y Scott	Y Thompson
Perdue (PRS)	Y Starr	Y Turner
Y Price,R	Y Stokes	Y Tysinger
Y Price,T	Y Streat	Y Walker
Y Ragan	Y Tanksley	

On the passage of the bill, the yeas were 53, nays 1.

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

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:12 P.M., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Thursday, February 19, 1998
Twenty-fourth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1646. By Representatives Stephens of the 150th, Thomas of the 148th, Pelote of the 149th and others:

A bill to amend the several Acts relating to and incorporating the mayor and aldermen of the City of Savannah, so as to change and expand the corporate limits of the City of Savannah.

HB 1670. By Representatives Epps of the 131st and Brown of the 130th:

A bill to amend an Act creating a new charter for the City of LaGrange, so as to change the composition of the governing authority of the city for the purpose of conformity with a consent order and decree.

HB 1195. By Representative Floyd of the 138th:

A bill to amend Part 2 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the practice of professional forestry, so as to authorize the State Board of Registration for Foresters to adopt a code of professional ethics for foresters and thereby define unethical practice or conduct for certain purposes.

HB 1324. By Representative Jamieson of the 22nd:

A bill to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation or property, so as to provide that motor vehicles shall be divided into two distinct and separate subclasses of tangible property for purposes of ad valorem taxation with one subclass including heavy-duty equipment motor vehicles.

HB 674. By Representatives Channell of the 111th, Royal of the 164th and Jamieson of the 22nd:

A bill to amend Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to setoff debt collection, so as to provide such collection for debts owed to political subdivisions of the state.

HB 1240. By Representative Bordeaux of the 151st:

A bill to amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to requirements of motor vehicle liability insurance policies and

coverage of claims against uninsured motorists, so as to provide for recovery under a policy of motor vehicle liability insurance of the amount of actual loss not exceeding coverage limits without regard to any amount paid by any insurer in compromise and settlement of a claim under a policy of uninsured motorist coverage.

HB 1160. By Representatives Walker of the 141st, Hudson of the 156th, Royal of the 164th and others:

A bill to amend Code Section 36-30-3 of the Official Code of Georgia Annotated, relating to enactment of binding ordinances by municipal councils, so as to provide that the governing authority of a municipal corporation may authorize the execution of a contract specifying the rates, fees, or other charges which will be charged and collected by the municipal corporation for utility services provided by the municipal corporation to one or more utility customers.

HB 801. By Representatives Massey of the 86th, Jackson of the 112th and Franklin of the 39th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to change the provisions relating to the penalty for rape when the victim is less than 12 years of age on the date of the offense and the penalty for aggravated sodomy when the victim is less than 12 years of age on the date of the offense.

HB 1101. By Representatives Childers of the 13th, Martin of the 47th, Hudson of the 120th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to create health care authorities in every county and municipality in the state.

HB 1183. By Representative Ashe of the 46th:

A bill to amend Code Section 20-2-133 of the Official Code of Georgia Annotated, relating to eligibility for and exceptions from free public education, so as to provide for the state to reimburse local units of administration for reasonable attorneys' fees incurred in actions relating to the education of a child residing in a state facility.

The House has agreed to the Senate substitute to the following bill of the House:

HB 1335. By Representative Stancil of the 91st:

A bill to amend an Act creating the Board of Commissioners of Oconee County, so as to change the provisions relating to bonds of the chairperson and members of the board of commissioners.

The following bills were introduced, read the first time and referred to committees:

SB 652. By Senators Abernathy of the 38th, Walker of the 22nd and Stokes of the 43rd:

A bill to amend Code Section 33-9-4 of the Official Code of Georgia Annotated, relating to standards applicable to the making and use of insurance rates, so as to prohibit the use of information relating to an insured's consumer credit history or consumer credit rating by an insurer in setting insurance rates.

Referred to Committee on Insurance and Labor.

SB 653. By Senator Abernathy of the 38th:

A bill to amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions relative to public utilities and public transportation, so as to provide that no gas, electric, or telephone company shall contract with any individual or entity for the operation and staffing of payment centers.

Referred to Committee on Finance and Public Utilities.

SB 654. By Senator Abernathy of the 38th:

A bill to amend Chapter 1 of Title 46 of the Official Code of Georgia Annotated, relating to general provisions relative to public utilities and public transportation, so as to provide that any gas, electric, or telephone company that contracts for the operation and staffing of payment centers shall offer as consideration a minimum of \$1.00 per customer served at such center.

Referred to Committee on Finance and Public Utilities.

The following bills were read the first time and referred to committees:

HB 674. By Representatives Channell of the 111th, Royal of the 164th and Jamieson of the 22nd:

A bill to amend Article 7 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to setoff debt collection, so as to provide such collection for debts owed to political subdivisions of the state.

Referred to Committee on Finance and Public Utilities.

HB 801. By Representatives Massey of the 86th and Jackson of the 112th:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to change the provisions relating to the penalty for rape when the victim is less than 12 years of age on the date of the offense and the penalty for aggravated sodomy when the victim is less than 12 years of age on the date of the offense.

Referred to Committee on Judiciary.

HB 1101. By Representatives Childers of the 13th, Martin of the 47th, Hudson of the 120th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to create health care authorities in every county and municipality in the state.

Referred to Committee on Health and Human Services.

HB 1160. By Representatives Walker of the 141st, Hudson of the 156th, Royal of the 164th and Channell of the 111th:

A bill to amend Code Section 36-30-3 of the Official Code of Georgia Annotated, relating to enactment of binding ordinances by municipal councils, so as to provide that the governing authority of a municipal corporation may authorize the execution of a contract specifying the rates, fees, or other charges which will be charged and collected by the municipal corporation for utility

services provided by the municipal corporation to one or more utility customers.

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Referred to Committee on Finance and Public Utilities.

HB 1183. By Representative Ashe of the 46th:

A bill to amend Code Section 20-2-133 of the Official Code of Georgia Annotated, relating to eligibility for and exceptions from free public education, so as to provide for the state to reimburse local units of administration for reasonable attorneys' fees incurred in actions relating to the education of a child residing in a state facility.

Referred to Committee on Education.

HB 1195. By Representative Floyd of the 138th:

A bill to amend Part 2 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the practice of professional forestry, so as to authorize the State Board of Registration for Foresters to adopt a code of professional ethics for foresters and thereby define unethical practice or conduct for certain purposes.

Referred to Committee on Agriculture.

HB 1240. By Representative Bordeaux of the 151st:

A bill to amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to requirements of motor vehicle liability insurance policies and coverage of claims against uninsured motorists, so as to provide for recovery under a policy of motor vehicle liability insurance of the amount of actual loss not exceeding coverage limits without regard to any amount paid by any insurer in compromise and settlement of a claim under a policy of uninsured motorist coverage.

Referred to Committee on Insurance and Labor.

HB 1324. By Representative Jamieson of the 22nd:

A bill to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation or property, so as to provide that motor vehicles shall be divided into two distinct and separate subclasses of tangible property for purposes of ad valorem taxation with one subclass including heavy-duty equipment motor vehicles.

Referred to Committee on Finance and Public Utilities.

HB 1646. By Representatives Stephens of the 150th, Thomas of the 148th, Pelote of the 149th and others:

A bill to amend the several Acts relating to and incorporating the mayor and aldermen of the City of Savannah, so as to change and expand the corporate limits of the City of Savannah.

Referred to Committee on State and Local Governmental Operations.

HB 1670. By Representatives Epps of the 131st and Brown of the 130th:

A bill to amend an Act creating a new charter for the City of LaGrange, so as to change the composition of the governing authority of the city for the purpose of conformity with a consent order and decree.

Referred to Committee on State and Local Governmental Operations.

The following ~~committee reports~~ were read by the Secretary:

Mr. President:

The Committee on Agriculture has had under consideration the following bill and resolutions of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1460. Do pass.

HR 843. Do pass.

HR 842. Do pass.

HR 856. Do pass.

Respectfully submitted,

Senator Ragan of the 11th District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 538. Do pass by substitute.

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1290. Do pass by substitute.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Reapportionment has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 644. Do pass.

HB 1502. Do pass.

Respectfully submitted,

Senator Blicht of the 7th District, Chairman

Mr. President:

The Committee on Rules has had under consideration the following bill and resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 588. Do pass.

HB 1434. Do pass.

SR 585. Do pass.

Respectfully submitted,

Senator Scott of the 36th District, Chairman

Mr. President:

The Committee on Science, Technology and Industry has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1337. Do pass by substitute.

HB 1263. Do pass by substitute.

www.libtool.com.cn Respectfully submitted,

Senator Tysinger of the 41st District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 71. Do pass by substitute.

HB 1229. Do pass.

HB 1227. Do pass.

HB 1406. Do pass.

HB 1228. Do pass as amended.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 646. Do pass.

HB 1636. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following bill and resolutions of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 591. Do pass as amended.

SR 639. Do pass.

SR 613. Do pass.

SR 591. Do pass as amended.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

The following bills were read the second time:

SB 590 HB 1354

Senator Cheeks of the 23rd asked unanimous consent that the morning roll call be dispensed with.

The consent was granted, and the morning roll call was dispensed with.

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Clay of the 37th introduced the chaplain of the day, Reverend Jim Curtis, pastor of St. James Episcopal Church, Marietta, Georgia, who offered scripture reading and prayer.

The following resolution was read and put upon its adoption:

SR 585. By Senators Roberts of the 30th, Glanton of the 34th, Lamutt of the 21st and others:

A resolution recognizing suicide as a state problem.

The resolution was adopted.

The following resolution was read and adopted:

SR 654. By Senators Thompson of the 33rd and Henson of the 55th:

A resolution recognizing and congratulating the Georgia Drugs and Narcotics Agency.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Thursday, February 19, 1998

TWENTY-FOURTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 646 Cagle, 49th
HALL COUNTY

A bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Hall County; to provide for the method of distribution of proceeds of such tax between the Hall County School District and the independent school districts located wholly or partially within Hall County, including particularly the City of Gainesville School System and the City of Buford School System.

HB 1636 Hill, 4th
TATTNALL COUNTY

A bill to amend an Act providing for the election of members of the Board of Education of Tattnall County, so as to provide for nonpartisan election of the chairperson and the members of the board of education.

Senator Cagle of the 49th asked unanimous consent that SB 646 be held off of the Local Consent Calendar. The consent was granted.

The report of the committee, which was favorable to the passage of the bill as reported, was agreed to.

On the passage of the bill on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Egan	Johnson,E
Y Balfour	Y	Fort	Y Kemp
Y Blitch	Y	Gillis	Y Lamutt
Y Boshears	Y	Glanton	Y Land
Y Bowen	Y	Gochenour	Y Langford
Y Broun, 46th	Y	Griffin	Y Madden
Y Brown, 26th	Y	Guhl	Y Marable
Y Brush	Y	Harbison	Middleton
Y Burton		Henson	Y Oliver
Y Cagle	Y	Hill	Perdue
Y Cheeks	Y	Hooks	Price,R
Y Clay	Y	Huggins	Y Price,T
Y Crotts	Y	James	Y Ragan
Y Dean	Y	Johnson,D	Y Ralston

Y Ray	Streat	Y Thompson
Y Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Tysinger
Y Starr	Y Thomas,D	Y Walker
Y Stokes	Thomas,N	

On the passage of the local bill, the yeas were 46, nays 0.

The bill on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

SENATE RULES CALENDAR

Thursday, February 19, 1998

TWENTY-FOURTH LEGISLATIVE DAY

HB 1158	Dentists; conscious sedation; administered by certain physician and nurse anesthetists (H&HS-47th) Childers-13th
SB 407	Pistol, Revolver-unlawful for person to allow minor to obtain (Substitute)(Judy-36th)
SB 562	Insurance-no denial of coverage for lawful firearm possession (I&L-4th)
SB 620	Health Insurance-mental disorders under small group policies (C Aff-43rd)
HB 1201	Board of Regents; certain works of art; authorize sale or transfer (H Ed-46th) McBee-88th
HB 1307	Child support recovery; certain employer reports; amend provisions (Judy-42nd) Martin-47th
HB 338	Firemen's Pension Fund; certain benefits; surviving spouse collect (Ret-53rd) Cummings-27th
SB 460	Offense of Interfering with 911 Call-provide (Substitute) (Judy-51st)
HB 464	Sheriffs' Retirement; increase benefit (Ret-19th) Buck-135th
HB 1212	Structural Pest Control Commission; membership; include Commissioner of Agriculture (C Aff-19th) Purcell-147th
HB 1145	Motor vehicles; ad valorem tax; exempt former prisoners of war (F&PU-44th) Buck-135th
SB 623	Judgments Granting, Denying Attorney's Fees, Expenses-review of appeals (Substitute)(Judy-42nd)
SB 428	Mask, Hood Concealing Identity-certain exceptions (Substitute) (Judy-35th)
SR 614	Norfolk Southern Railroad Intermodal Facility-expressing opposition (Trans-33rd)
HB 1424	Income tax; increase retirement income exclusion (F&PU-44th) Bird-song-123rd

- HB 1391 Georgia Street Gangs Act of 1998; enact (Amendment)(S Judy-48th)
Crews-78th
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- HB 1288 Minors; deprivation cases; appointment of guardian ad litem (Judy-42nd) Hecht-97th
- SB 463 Veterans' Funerals-National Guard members as honor guards (Substitute)(D&VA-37th)
- HB 714 Blind vendors; guide dogs; allow on vending premises (Substitute) (S Judy-40th) Mueller-152nd

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

HB 1158. By Representative Childers of the 13th:

A bill to amend Code Section 43-11-21 of the Official Code of Georgia Annotated, relating to conscious sedation by dentists, so as to provide for certain physicians and nurse anesthetists to administer conscious sedation.

Senate Sponsor: Senator Madden of the 47th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Price,R
Y Balfour	Y	Guhl	Y Price,T
Y Blitch	Y	Harbison	Y Ragan
Y Boshears		Henson	Y Ralston
Y Bowen	Y	Hill	Ray
Y Broun, 46th	Y	Hooks	Roberts
Y Brown, 26th	Y	Huggins	Y Scott
Y Brush	Y	James	Y Starr
Y Burton	Y	Johnson,D	Y Stokes
Y Cagle		Johnson,E	Streat
Y Cheeks	Y	Kemp	Y Tanksley
Y Clay	Y	Lamutt	Y Taylor
Y Crotts	Y	Land	Y Thomas,D
Y Dean	Y	Langford	Y Thomas,N
Y Egan	Y	Madden	Y Thompson
Y Fort	Y	Marable	Turner
Y Gillis	Y	Middleton	Y Tysinger
Y Glanton		Oliver	Y Walker
Y Gochenour		Perdue	

On the passage of the bill, the yeas were 46, nays 0.

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

SB 407. By Senators Scott of the 36th, Walker of the 22nd, Egan of the 40th and others:

A bill to amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving dangerous instrumentalities and practices in general, so as to provide that it shall be unlawful for any person negligently to allow a minor to obtain possession of a pistol or revolver; to provide for criminal penalties.

The Senate Committee on Judiciary offered the following substitute: SB 407:

A BILL

To be entitled an Act to amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving dangerous instrumentalities and practices in general, so as to provide that it shall be unlawful for any person negligently to allow a minor to obtain possession of a pistol or revolver; to provide for criminal penalties; 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 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving dangerous instrumentalities and practices in general, is amended by striking Code Section 16-11-101.1, relating to unlawful furnishing of a pistol or revolver to a minor, and inserting in its place a new Code section to read as follows:

“16-11-101.1.

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

(1) ‘Minor’ means any person under the age of 18 years.

(2) ‘Pistol or revolver’ means a pistol or revolver as defined in subsection (a) of Code Section 16-11-132.

(b)(1) It shall be unlawful for a person intentionally, knowingly, or recklessly to sell or furnish a pistol or revolver to a minor, except that it shall be lawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor for the purposes specified in subsection (c) of Code Section 16-11-132 unless otherwise expressly limited by subsection (c) of this Code section.

(2) It shall be unlawful for any person, including a parent or legal guardian, negligently to allow a minor to obtain possession of a pistol or revolver by negligently leaving the pistol or revolver in a place where a reasonable person in the exercise of ordinary care would know or should know that a minor is likely to obtain access without permission to the pistol or revolver.

(c)(1) It shall be unlawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor if the parent or legal guardian knows of a minor’s conduct which violates the provisions of Code Section 16-11-132 and fails to make reasonable efforts to prevent any such violation of Code Section 16-11-132.

(2) Notwithstanding any provisions of subsection (c) of Code Section 16-11-132 or any other law to the contrary, it shall be unlawful for any parent or legal guardian intentionally, knowingly, or recklessly to furnish to or permit a minor to possess a pistol or revolver if such parent or legal guardian is aware of a substantial risk that such minor will use a pistol or revolver to commit a felony offense or if such parent or legal guardian who is aware of such substantial risk fails to make reasonable efforts to prevent commission of the offense by the minor.

(3) In addition to any other act which violates this subsection, a parent or legal guardian shall be deemed to have violated this subsection if such parent or legal guardian furnishes to or permits possession of a pistol or revolver by any minor who has been convicted of a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, or who has been adjudicated delinquent under the provisions of Article 1 of Chapter 11 of Title 15 for an offense which would constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, if such minor were an adult.

(d)(1) Upon conviction of a violation of paragraph (1) of subsection (b) or subsection (c) of this Code section, a person shall be guilty of a felony and punished by a fine not to exceed \$5,000.00 or by imprisonment for not less than two nor more than five years, or both.

(2) Upon conviction of a violation of paragraph (2) of subsection (b) of this Code section, a person shall be guilty of a misdemeanor of a high and aggravated nature. The punishment for a first such offense shall include, but not necessarily be limited to, a fine of at least \$1,000.00. The punishment for a second or subsequent such offense shall include, but not necessarily be limited to, imprisonment for at least 60 days.

SECTION 2.

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

On the adoption of the substitute, the yeas were 0, nays 43, and the committee substitute was lost.

Senators Scott of the 36th, Perdue of the 18th and Clay of the 37th offered the following substitute to SB 407:

A BILL

To be entitled an Act to amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving dangerous instrumentalities and practices in general, so as to provide that it shall be unlawful for any person negligently to allow a minor to obtain possession of a pistol or revolver; to provide for criminal penalties; to amend Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to loitering at or disrupting schools, so as to require that every public schools' safety plans may provide for firearms safety education; 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 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving dangerous instrumentalities and practices in general, is amended by striking Code Section 16-11-101.1, relating to unlawful furnishing of a pistol or revolver to a minor, and inserting in its place a new Code section to read as follows:

“16-11-101.1.

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

(1) ‘Minor’ means any person under the age of 18 years.

(2) ‘Pistol or revolver’ means a pistol or revolver as defined in subsection (a) of Code Section 16-11-132.

(b)(1) It shall be unlawful for a person intentionally, knowingly, or recklessly to sell or furnish a pistol or revolver to a minor, except that it shall be lawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor for the purposes specified in subsection (c) of Code Section 16-11-132 unless otherwise expressly limited by subsection (c) of this Code section.

(2) It shall be unlawful for any person, including a parent or guardian, through criminal negligence to allow a minor to obtain possession of a pistol or revolver by leaving the pistol or revolver in a place where a reasonable person would know or should know that a minor is likely to obtain access without permission to the pistol or revolver. For purposes of this paragraph criminal negligence shall consist of reckless or wanton disregard for the safety of others.

(c)(1) It shall be unlawful for a parent or legal guardian to permit possession of a pistol or revolver by a minor if the parent or legal guardian knows of a minor's conduct which violates the provisions of Code Section 16-11-132 and fails to make reasonable efforts to prevent any such violation of Code Section 16-11-132.

(2) Notwithstanding any provisions of subsection (c) of Code Section 16-11-132 or any other law to the contrary, it shall be unlawful for any parent or legal guardian intentionally, knowingly, or recklessly to furnish to or permit a minor to possess a pistol or revolver if such parent or legal guardian is aware of a substantial risk that such minor will use a pistol or revolver to commit a felony offense or if such parent or legal guardian who is aware of such substantial risk fails to make reasonable efforts to prevent commission of the offense by the minor.

(3) In addition to any other act which violates this subsection, a parent or legal guardian shall be deemed to have violated this subsection if such parent or legal guardian furnishes to or permits possession of a pistol or revolver by any minor who has been convicted of a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, or who has been adjudicated delinquent under the provisions of Article 1 of Chapter 11 of Title 15 for an offense which would constitute a forcible felony or forcible misdemeanor, as defined in Code Section 16-1-3, if such minor were an adult.

(d)(1) Upon conviction of a violation of paragraph (1) of subsection (b) or subsection (c) of this Code section, a person shall be guilty of a felony and punished by a fine not to exceed \$5,000.00 or by imprisonment for not less than two nor more than five years, or both.

(2) Upon conviction of a violation of paragraph (2) of subsection (b) of this Code section, a person shall be guilty of a misdemeanor of a high and aggravated nature. The punishment for a first such offense shall include, but not necessarily be limited to, a fine of at least \$1,000.00. The punishment for a second or subsequent such offense shall include, but not necessarily be limited to, imprisonment for at least 60 days."

SECTION 2.

Article 27 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to loitering at or disrupting schools, is amended by adding at the end of Code Section 20-2-1185, relating to school safety plans, a new subsection (d) to read as follows:

"(d) School safety plans prepared by public schools may provide for firearms safety training programs for elementary and secondary school students, approved by the Department of Education. The Department of Education may utilize the National Rifle

Association's Eddie Eagle Gun Safety Program, designed to prevent firearm related accidents among children and emphasizing the safety message 'Stop. Don't touch. Leave the area. Tell an adult.'

SECTION 3.

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

Senators Brush of the 24th and Price of the 56th offered the following amendment:

Amend the Scott, et al., substitute to SB 407 by striking on page 2 line 1, after for, any person, including.

And by striking on page 2 line 3, a minor and inserting at the beginning of line 3 "Their minor child,"

On the adoption of the amendment, the yeas were 11, nays 36, and the Brush, Price of the 56th amendment to the Scott, et al. substitute was lost.

On the adoption of the substitute, the yeas were 49, nays 0, and the Scott, et al. substitute was adopted.

Pursuant to Senate Rule 143, action on SB 407 was suspended, and the bill was placed on the General Calendar.

Senator Hooks of the 14th introduced Peach Festival officials and the Peach Queen, commended by SR 611, adopted previously. The Peach Queen addressed the Senate briefly.

Senator Thomas of the 10th introduced the doctor of the day, Dr. Celio Burrows, of Atlanta, Georgia.

At 12:02 P.M., the President announced that the Senate would stand in recess until 1:30 P.M.

Senator Perdue of the 18th, President Pro Tempore, called the Senate to order at 1:30 P.M.

The Calendar was resumed.

SB 562. By Senators Hill of the 4th, Langford of the 29th, Kemp of the 3rd and others:

A bill to amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to provide that no policy of insurance issued or delivered in this state covering any loss, damage, expense, or liability shall exclude or deny coverage because the insured, members of the insured's family, or employees of the insured will keep or carry in a lawful manner firearms on the property or premises of the insured.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Burton	Y	Gillis
Y	Balfour	Y	Cagle	Y	Glanton
Y	Blitch	Y	Cheeks	Y	Gochenour
Y	Boshears		Clay	Y	Griffin
Y	Bowen		Crotts	Y	Guhl
	Broun, 46th	Y	Dean	Y	Harbison
	Brown, 26th	Y	Egan	Y	Henson
Y	Brush	Y	Fort	Y	Hill

	Hooks	Y	Middleton	Y	Stokes
Y	Huggins	Y	Oliver	Y	Streat
	James		Perdue(PRS)	Y	Tanksley
	Johnson,D	Y	Price,R		Taylor
Y	Johnson,E	Y	Price,T		Thomas,D
Y	Kemp	Y	Ragan	Y	Thomas,N
Y	Lamutt	Y	Ralston	Y	Thompson
Y	Land	Y	Ray	Y	Turner
Y	Langford	Y	Roberts	Y	Tysinger
Y	Madden	Y	Scott		Walker
Y	Marable	Y	Starr		

On the passage of the bill, the yeas were 45, nays 0.

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

SB 620. By Senators Stokes of the 43rd, Walker of the 22nd and Oliver of the 42nd:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance, so as to change certain provisions relating to coverage of treatment of mental disorders; to provide for available coverage of treatment of mental disorders under certain small group policies; to provide for available coverage of treatment of mental disorders under certain large group policies.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	N	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blicht	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush		James	Y	Starr
Y	Burton		Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
	Clay	Y	Lamutt		Taylor
	Crotts	Y	Land		Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden		Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
N	Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 44, nays 2.

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

HB 1201. By Representatives McBee of the 88th, Smyre of the 136th, Hudgens of the 24th and others:

A bill to amend Part 2 of Article 2 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the University System of Georgia, so as to authorize the board of regents to sell or transfer certain works of art.

Senate Sponsor: Senator Broun of the 46th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush		James	Y	Starr
Y	Burton		Johnson,D		Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
	Clay	Y	Lamutt		Taylor
	Crotts	Y	Land		Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden		Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 44, nays 0.

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

HB 1307. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Article 1 of Chapter 11 of Title 19 of the Official Code of Georgia Annotated, the "Child Support Recovery Act," so as to change the provisions relating to reporting of persons hired or returning to work.

Senate Sponsor: Senator Oliver of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	N	Cagle	N	Glanton
N	Balfour	Y	Cheeks	N	Gochenour
N	Blitch		Clay		Griffin
Y	Boshears		Crotts	N	Guhl
Y	Bowen	N	Dean	Y	Harbison
Y	Broun, 46th	N	Egan	Y	Henson
Y	Brown, 26th	Y	Fort	Y	Hill
N	Brush	Y	Gillis	Y	Hooks
N	Burton			Y	Huggins

	James	Y	Oliver	Y	Stokes
	Johnson,D		Perdue(PRS)	Y	Streat
	Johnson,E	N	Price,R	N	Tanksley
Y	Kemp	N	Price,T		Taylor
N	Lamutt	Y	Ragan		Thomas,D
Y	Land	Y	Ralston	Y	Thomas,N
	Langford	N	Ray	Y	Thompson
Y	Madden	N	Roberts	Y	Turner
Y	Marable	Y	Scott	Y	Tysinger
Y	Middleton	Y	Starr	Y	Walker

On the passage of the bill, the yeas were 29, nays 16.

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

Senator Egan of the 40th gave notice that at the proper time, he would move that the Senate reconsider its action on HB 1307.

HB 338. By Representatives Cummings of the 27th and Shanahan of the 10th:

A bill to amend Code Section 47-7-100 of the Official Code of Georgia Annotated, relating to eligibility for pension benefits under the Georgia Firemen's Pension Fund, so as to provide that the surviving spouse of a member of such pension fund who is vested but not yet retired shall be entitled to receive a pension benefit; to provide a survivor's option in the event of the death of any such member not survived by a spouse.

Senate Sponsor: Senator Huggins of the 53rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy		Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton		Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
	Clay	Y	Lamutt		Taylor
	Crotts	Y	Land		Thomas,D
Y	Dean		Langford	Y	Thomas,N
	Egan	Y	Madden		Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 45, nays 0.

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

Senator Cagle of the 49th moved that Senator Crotts of the 17th be excused. On the motion, the yeas were 43, nays 1; the motion prevailed, and Senator Crotts was excused.

Senator Brush of the 24th moved that Senator Griffin of the 25th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Griffin was excused.

The Calendar was resumed.

SB 460. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to provide for the offense of interfering with a 911 call; to provide for an effective date.

The Senate Judiciary Committee offered the following substitute to SB 460:

A BILL

To be entitled an Act to amend Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, so as to provide for the offense of interfering with certain calls for emergency assistance; to provide for penalties; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to obstruction of public administration and related offenses, is amended by adding immediately following Code Section 16-10-24.2 a new Code Section 16-10-24.3 to read as follows:

“16-10-24.3.

Any person who verbally or physically obstructs, prevents, or hinders another person from making or completing a 911 telephone call or a call to any law enforcement agency to request police protection or to report the commission of a crime is guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not to exceed \$1,000.00 or imprisonment not to exceed 12 months, or both.”

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Broun, 46th	Y	Cheeks
Y Balfour	Y	Brown, 26th	Y	Clay
Y Blitch	Y	Brush	EX	Crotts
Y Boshears	Y	Burton	Y	Dean
Y Bowen	Y	Cagle		Egan

Y Fort	Y Kemp	Y Roberts
Y Gillis	Y Lamutt	Y Scott
N Glanton	N Land	Y Starr
Y Gochenour	Y Langford	Y Stokes
EX Griffin	Y Madden	Y Streat
Y Guhl	Y Marable	Y Tanksley
Y Harbison	Y Middleton	Y Taylor
Y Henson	Y Oliver	Y Thomas,D
Y Hill	Perdue(PRS)	Y Thomas,N
Y Hooks	Y Price,R	Y Thompson
Y Huggins	Y Price,T	Y Turner
Y James	Y Ragan	Y Tysinger
Johnson,D	Y Ralston	Y Walker
Y Johnson,E	Y Ray	

On the passage of the bill, the yeas were 48, nays 2.

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

HB 464. By Representatives Buck of the 135th, Barnes of the 33rd, Coleman of the 142nd and Hanner of the 159th:

A bill to amend Code Section 47-16-101 of the Official Code of Georgia Annotated, relating to retirement benefit options under the Sheriffs' Retirement Fund of Georgia, so as to increase the retirement benefits; to provide that the retirement benefits of a retired member who selected a spouse's survivor option and whose spouse predeceases him or her shall be increased.

Senate Sponsor: Senator Streat of the 19th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	EX Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
EX Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Tysinger
Y Glanton	Y Oliver	N Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 48, nays 1.

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

HB 1212. By Representatives Purcell of the 147th, Reaves of the 178th and Floyd of the 138th:

A bill to amend Chapter 45 of Title 43 of the Official Code of Georgia Annotated, known as the "Structural Pest Control Act," so as to change the provisions relating to the membership of the State Structural Pest Control Commission.

Senate Sponsor: Senator Streat of the 19th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	EX Griffin	Y Price,R
Y	Balfour	Y Guhl	Y Price,T
Y	Blitch	Y Harbison	Y Ragan
Y	Boshears	Y Henson	Y Ralston
Y	Bowen	Y Hill	Y Ray
Y	Broun, 46th	Y Hooks	Y Roberts
Y	Brown, 26th	Y Huggins	Y Scott
Y	Brush	Y James	Y Starr
Y	Burton	Johnson,D	Stokes
Y	Cagle	Y Johnson,E	Y Streat
Y	Cheeks	Y Kemp	Y Tanksley
Y	Clay	Y Lamutt	Y Taylor
Y	Crotts	Y Land	Y Thomas,D
Y	Dean	Y Langford	Y Thomas,N
	Egan	Y Madden	Y Thompson
Y	Fort	Y Marable	Y Turner
Y	Gillis	Y Middleton	Y Tysinger
Y	Glanton	Y Oliver	Y Walker
Y	Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 50, nays 0.

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

HB 1145. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Part 2 of Article 10 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of motor vehicles, so as to provide for an exemption with respect to certain motor vehicles owned by former prisoners of war.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	EX	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton		Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis		Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 50, nays 0.

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

SB 623. By Senator Oliver of the 42nd:

A bill to amend Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice, so as to provide for mandatory review of appeals from judgments or orders granting or denying awards of attorney's fees or expenses of litigation for frivolous actions and defenses under Code Section 9-15-14; to amend Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, so as to provide when attorney's fees and expenses may be requested in claims by a party that the claims against such party are subject to dismissal pursuant to Code Section 9-11-11.1.

The Senate Committee on Judiciary offered the following substitute to SB 623:

A BILL

To be entitled an Act to amend Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice, so as to provide for mandatory review of appeals from judgments or orders granting or denying awards of attorney's fees or expenses of litigation for frivolous actions and defenses under Code Section 9-15-14 and certain improper claims arising from acts of free speech or petitioning the government for redress of grievances under Code Section 9-11-11.1; to amend Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, so as to provide when attorney's fees and expenses may be requested in claims by a party that the claims against such party are subject to dismissal pursuant to Code Section 9-11-11.1; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 6 of Title 5 of the Official Code of Georgia Annotated, relating to appellate practice, is amended by striking in its entirety subsection (a) of Code Section

5-6-34, relating to judgments and rulings deemed directly appealable, and inserting in its place the following:

“(a) Appeals may be taken to the Supreme Court and the Court of Appeals from the following judgments and rulings of the superior courts, the constitutional city courts, and such other courts or tribunals from which appeals are authorized by the Constitution and laws of this state:

- (1) All final judgments, that is to say, where the case is no longer pending in the court below, except as provided in Code Section 5-6-35;
- (2) All judgments involving applications for discharge in bail trover and contempt cases;
- (3) All judgments or orders directing that an accounting be had;
- (4) All judgments or orders granting or refusing applications for receivers or for interlocutory or final injunctions;
- (5) All judgments or orders granting or refusing applications for attachment against fraudulent debtors;
- (6) All judgments or orders granting or refusing to grant mandamus or any other extraordinary remedy, except with respect to temporary restraining orders;
- (7) All judgments or orders refusing applications for dissolution of corporations created by the superior courts; ~~and~~
- (8) All judgments or orders granting or denying awards of attorney’s fees or expenses of litigation under Code Sections 9-15-14 and 9-11-11.1; and
- (9) All judgments or orders sustaining motions to dismiss a caveat to the probate of a will.”

SECTION 2.

Said article is further amended by striking in its entirety subsection (a) of Code Section 5-6-35, relating to cases requiring application for appeal, and inserting in its place the following:

“(a) Appeals in the following cases shall be taken as provided in this Code section:

- (1) Appeals from decisions of the superior courts reviewing decisions of the State Board of Workers’ Compensation, the State Board of Education, auditors, state and local administrative agencies, and lower courts by certiorari or de novo proceedings; provided, however, that this provision shall not apply to decisions of the Public Service Commission and probate courts and to cases involving ad valorem taxes and condemnations;
- (2) Appeals from judgments or orders in divorce, alimony, child custody, and other domestic relations cases including, but not limited to, granting or refusing a divorce or temporary or permanent alimony, awarding or refusing to change child custody, or holding or declining to hold persons in contempt of such alimony or child custody judgment or orders;
- (3) Appeals from cases involving distress or dispossessory warrants in which the only issue to be resolved is the amount of rent due and such amount is \$2,500.00 or less;
- (4) Appeals from cases involving garnishment or attachment, except as provided in paragraph (5) of subsection (a) of Code Section 5-6-34;
- (5) Appeals from orders revoking probation;

- (6) Appeals in all actions for damages in which the judgment is \$10,000.00 or less;
- (7) Appeals, ~~when separate~~ from an original appeal, from the denial of an extraordinary motion for new trial;
- (8) Appeals from orders under subsection (d) of Code Section 9-11-60 denying a motion to set aside a judgment or under subsection (e) of Code Section 9-11-60 denying relief upon a complaint in equity to set aside a judgment;
- (9) Appeals from orders granting or denying temporary restraining orders; and
- (10) ~~Appeals from awards of attorney's fees or expenses of litigation under Code Section 9-15-14, and~~
- ~~(11)~~ Appeals from decisions of the state courts reviewing decisions of the magistrate courts by de novo proceedings so long as the subject matter is not otherwise subject to a right of direct appeal."

SECTION 3.

Article 3 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to pleadings and motions, is amended by inserting in Code Section 9-11-11.1, relating to claims arising from exercise of rights of freedom of speech and right to petition government for redress of grievances, a new subsection to be designated subsection (f) to read as follows:

"(f) Attorney's fees and expenses under this Code section may be requested by motion at any time during the course of the action but not later than 45 days after the final disposition of the action."

SECTION 4.

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

On the adoption of the substitute, the yeas were 33, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Glanton	Y	Middleton
Y Balfour	Y	Gochenour	Y	Oliver
Y Blitch	EX	Griffin		Perdue(PRS)
Y Boshears	Y	Guhl	Y	Price,R
Y Bowen	Y	Harbison	Y	Price,T
Broun, 46th	Y	Henson	Y	Ragan
Y Brown, 26th	Y	Hill	Y	Ralston
Y Brush	Y	Hooks	Y	Ray
Y Burton	Y	Huggins	Y	Roberts
Y Cagle	Y	James	Y	Scott
Y Cheeks		Johnson,D	Y	Starr
Y Clay	Y	Johnson,E	Y	Stokes
Y Crotts	Y	Kemp	Y	Streat
Y Dean	Y	Lamutt	Y	Tanksley
Y Egan	Y	Land	Y	Taylor
Y Fort		Langford	Y	Thomas,D
Y Gillis	Y	Madden	Y	Thomas,N
	Y	Marable	Y	Thompson

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, a roll call was taken, and the vote was as follows:

Abernathy	EX	Griffin	N	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson		Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush	Y	James	Y	Starr
Y Burton		Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E		Streat
Cheeks	Y	Kemp	Y	Tanksley
Y Clay	N	Lamutt	Y	Taylor
Y Crootts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 45, nays 2.

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

Senator Harbison of the 15th moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 36, nays 1; the motion prevailed, and Senator Stokes was excused.

The Calendar was resumed.

SR 614. By Senators Thompson of the 33rd, Tanksley of the 32nd, Lamutt of the 21st and Clay of the 37th:

A resolution expressing opposition to construction in Austell of a proposed Norfolk Southern Railroad intermodal facility.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Clay	Y	Henson
Y Balfour	Y	Crootts	Y	Hill
Y Blitch	Y	Dean	Y	Hooks
Y Boshears	Y	Egan	Y	Huggins
Y Bowen	Y	Fort		James
Y Broun, 46th	Y	Gillis		Johnson,D
Y Brown, 26th	Y	Glanton	Y	Johnson,E
Y Brush	Y	Gochenour	Y	Kemp
Y Burton	EX	Griffin	Y	Lamutt
Y Cagle	Y	Guhl	Y	Land
Y Cheeks	Y	Harbison	Y	Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	Y Ray	Y Thomas,D
Y Middleton	Y Roberts	Y Thomas,N
Y Oliver	Y Scott	Y Thompson
Perdue(PRS)	Y Starr	Y Turner
Price,R	EX Stokes	Y Tysinger
Y Price,T	Streat	Walker
Y Ragan	Y Tanksley	

On the adoption of the resolution, the yeas were 47, nays 0.

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

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator James was excused.

The Calendar was resumed.

HB 1424. By Representatives Birdsong of the 123rd, Buck of the 135th, Royal of the 164th and others:

A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to the computation of taxable net income for income tax purposes, so as to increase the amount of retirement income exclusion.

Senate Sponsor: Senator Starr of the 44th.

Senator Balfour of the 9th offered the following amendment:

Amend HB 1424 by striking on page 2 line 3 "13,000" and adding in its place "14,000"

On the adoption of the amendment, Senator Balfour of the 9th called for the yeas and nays.

The call was sustained and the vote was as follows:

Abernathy	EX Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the adoption of the amendment, the yeas were 48, nays 1, and the Balfour amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

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On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	EX Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 50, nays 0.

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

HB 1391. By Representatives Crews of the 78th and Randall of the 127th:

A bill to enact the "Georgia Street Gangs Act of 1998"; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the provisions relating to designated felonies in juvenile court; to provide procedures under which additional assistant district attorneys may be authorized; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses.

Senate Sponsor: Senator Ray of the 48th.

The Senate Special Judiciary Committee offered the following amendment:

Amend HB 1391 by striking from line 19 of page 6 the following:

"Code section",

and inserting in lieu thereof the following:

"subsection"

On the adoption of the amendment, the yeas were 31, nays 0, and the committee amendment was adopted.

Senators Ray of the 48th and Egan of the 40th offered the following amendment:

Amend HB 1391 by inserting on line 9 of page 2, following the word and symbol "foregoing," the following:

"to provide an effective date;"

By inserting on line 38 of page 14, between the word “damages” and the symbol “.”, the following: www.libtool.com.cn

“; provided, however, that no cause of action shall arise under this subsection as a result of an otherwise legitimate commercial transaction between parties to a contract or agreement for the sale of lawful goods or property or the sale of securities regulated by Chapter 5 of Title 10 or by the federal Securities and Exchange Commission”

By inserting at the end of line 40 of page 14 the following:

“All averments of a cause of action under this subsection shall be stated with particularity. No judgment shall be awarded unless the finder of fact determines that the action is consistent with the intent of the General Assembly as set forth in Code Section 16-15-2.”

By inserting immediately following line 29 of page 18 the following:

“Notwithstanding any provisions of Code Section 1-3-4.1 to the contrary, this Act shall become effective upon the first day of the month following its approval by the Governor or its becoming law without the approval of the Governor.

SECTION 15.”

On the adoption of the amendment, the yeas were 38, nays 0, and the Ray, Egan amendment was adopted.

Senator Crofts of the 17th and Dean of the 31st offered the following amendment:

Amend HB 1391 as follows:

On Page 18 changing Section 14 to read Section 15

adding on page 18 new Section 14

To amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification as a defense to criminal prosecution, so as to provide for threats and use of force in defense of dwellings, places of business, and motor vehicles; to provide for criminal and civil immunity; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification as a defense to criminal prosecution, is amended by striking Code Section 16-3-23, which reads as follows:

“16-3-23.

A person is justified in threatening or using force against another when and to the extent that he reasonably believes that such threat or force is necessary to prevent or terminate such other’s unlawful entry into or attack upon a habitation; however, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if:

(1) The entry is made or attempted in a violent and tumultuous manner and he reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person dwelling or being therein and that such force is necessary to prevent the assault or offer of personal violence; or

(2) He reasonably believes that the entry is made or attempted for the purpose of committing a felony therein and that such force is necessary to prevent the commission of the felony.”

and inserting in its place the following:

“16-3-23 www.libtool.com.cn

(a) A person lawfully present inside a dwelling, place of business, or motor vehicle is justified in threatening or using any degree of physical force, including deadly force, against another person who has made or is attempting to make an unlawful entry into that dwelling, place of business, or motor vehicle, when the person using such threats or force reasonably believes that such use is necessary to:

- (1) Prevent such entry;
- (2) Compel the intruder to leave the premises or motor vehicle; or
- (3) Prevent the use of any physical force, no matter how slight, against any person lawfully present in such dwelling, place of business, or motor vehicle.

(b) A person who uses threats or force in accordance with subsection (a) of this Code section shall be immune from criminal prosecution and civil liability therefor unless the deadly force used by such person utilizes a weapon the carrying or possession of which is unlawful by such person under Part 3 of Article 4 of Chapter 11 of Title 16.”

SECTION 2.

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

Senator Crotts of the 17th asked unanimous consent that his amendment be withdrawn. The consent was granted and the amendment was withdrawn.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	EX Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Johnson,D	Stokes
Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 48, nays 0.

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

Senator Dean of the 31st moved that the Senate adjourn until 9:00 A.M. tomorrow; the motion prevailed, and at 3:20 P.M., the President Pro Tempore announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Friday, February 20, 1998
Twenty-fifth Legislative Day

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The Senate met pursuant to adjournment at 9:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1688. By Representative Hudson of the 156th:

A bill to amend an Act incorporating the City of Ocilla, so as to correct an error regarding the time for election of councilmembers representing Districts 1 and 4.

HB 1691. By Representative Stephens of the 150th:

A bill to amend an Act creating a new charter for the City of Bloomingdale, so as to extend the present corporate limits of said municipality and annex and incorporate certain additional land to said municipality.

HB 1694. By Representatives Bradford of the 30th, Wiles of the 34th, Sauder of the 29th and others:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the chief judge, judges, and associate judges of the state court.

HB 1695. By Representative Bridges of the 9th:

A bill to amend an Act creating a Board of Commissioners for Habersham County, so as to change the number of commission districts from three districts to five districts.

HB 1699. By Representatives Golden of the 177th, Shaw of the 176th and Reaves of the 178th:

A bill to amend an Act creating the Board of Commissioners of Lowndes County, so as to change the provisions relating to regular meetings of the Board of Commissioners.

HB 1404. By Representatives Benefield of the 96th and McCall of the 90th:

A bill to amend Code Section 50-29-4 of the Official Code of Georgia Annotated, relating to the creation of the Information Technology Policy Council, so as to amend the membership of such council.

HB 1433. By Representatives Royal of the 164th, Shanahan of the 10th, Smith of the 12th and others:

A bill to amend Code Section 48-8-121 of the Official Code of Georgia Annotated, relating to use of proceeds, issuance of certain debt, and audit reporting requirements applicable to special county 1 percent sales and use tax, so as to change the provisions relating to the contents of the required audit report schedule.

HB 1631. By Representatives Murphy of the 18th, Buck of the 135th, Davis of the 48th and others:

A bill to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to county and municipal excise tax levies on charges to the public for rooms, lodgings, and accommodations, so as to change certain provisions authorizing certain counties and municipalities to levy such tax under certain conditions.

HB 1086. By Representatives Henson of the 65th, Orrock of the 56th, Trense of the 44th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide legislative findings and declarations relative to osteoporosis occurrence, prevention, detection, and treatment; to provide for patient education relative to osteoporosis prevention and treatment; to provide for certain required insurance coverage.

HB 1516. By Representatives Birdsong of the 123rd, Smith of the 175th, DeLoach of the 172nd and others:

A bill to amend Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to the service cancelable loan fund and authorized types of service cancelable educational loans, so as to change the provisions relating to service cancelable educational loans for eligible members of the Georgia National Guard.

HB 1323. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to state funded local indigent defense programs, so as to provide for the utilization of private funds by the Georgia Indigent Defense Council.

HB 1491. By Representatives Cummings of the 27th and Childers of the 13th:

A bill to amend Code Section 43-11-2 of the Official Code of Georgia Annotated, relating to the creation and composition of the Georgia Board of Dentistry, so as to provide that the dental hygienist who is a member of such board shall be a resident of Georgia and shall be a practicing dental hygienist in this state.

HB 1582. By Representatives Stanley of the 50th, Buck of the 135th, Stanley of the 49th and others:

A bill to amend Article 5 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to excise taxes on rental motor vehicles, so as to provide for reporting cash and credit rental charges; to provide for changing of basis of accounting; to provide for payment of tax at time of filing return under cash basis of accounting.

HB 1596. By Representatives Buck of the 135th, Royal of the 164th, Jamieson of the 22nd and others:

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A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to revise provisions relating to Georgia taxes; to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby to incorporate provisions of federal law into Georgia law.

HB 1373. By Representatives Irvin of the 45th, Ashe of the 46th, Ehrhart of the 36th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to change the prohibitions against strikes by state employees so as to apply to additional public employees.

HB 1656. By Representatives Skipper of the 137th, Royal of the 164th, O'Neal of the 75th and others:

A bill to amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state sales and use tax, so as to provide for an exemption with respect to sales of blood glucose level measuring strips; to provide for an exemption for the sale of certain eligible food and beverages to and by member councils of the Girl Scouts of the U.S.A. or the Boy Scouts of America.

HB 1549. By Representatives Porter of the 143rd, Barnes of the 33rd, Martin of the 47th and others:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to authorize the Attorney General to bring judicial actions to enforce laws relating to open and public meetings and public records.

HB 1538. By Representatives Hanner of the 159th, Parrish of the 144th and Barnes of the 33rd:

A bill to amend Code Section 40-2-48 of the Official Code of Georgia Annotated, relating to license plates promoting the United States Disabled Athletes Fund, so as to change certain provisions relating to annual renewal; to change certain provisions relating to manufacturing costs.

HB 1511. By Representatives Coleman of the 142nd, Holmes of the 53rd, Scott of the 165th and others:

A bill to amend Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions regarding public officers and employees, so as to provide that complaints or information from public employees directed to members of the General Assembly concerning fraud, waste, and abuse in or relating to any state programs or operations shall be confidential.

HB 1202. By Representatives McBee of the 88th, Holland of the 157th and Hudgens of the 24th:

A bill to amend Code Section 21-2-131 of the Official Code of Georgia Annotated, relating to the fixing and publishing of qualifying fees, so as to provide that for certain offices, the qualifying fee shall be based on the minimum salary mandated by general law.

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

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SB 501. By Senators Clay of the 37th, Lamutt of the 21st and Tanksley of the 32nd:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, as amended, so as to provide for a change in the compensation of the judges of the Juvenile Court of Cobb County; to provide for related matters; to provide for an effective date.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 1034. By Representative Shaw of the 176th:

A resolution designating the William Jackson "Moogie" Lee Highway.

The House insists on its position in substituting the following resolution of the Senate:

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A resolution proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection.

The following bills were introduced, read the first time and referred to committees:

SB 655. By Senator Taylor of the 12th:

A bill to amend Chapter 8 of Title 29 of the Official Code of Georgia Annotated, relating to judges of the probate courts as custodians of certain funds, so as to authorize the judges of the probate courts to receive, collect, invest, and distribute certain funds to be paid to minors who have no legal and qualified guardian of the property; to allow probate judges to authorize regular and recurring payments from certain funds for the support, education, and maintenance of a minor who has no legal and qualified guardian of the property; to provide for compensation and fees.

Referred to Committee on Special Judiciary.

SB 656. By Senator Langford of the 29th:

A bill to amend Article 5 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to group self-insurance workers' compensation funds, so as to provide that the Commissioner of Insurance may contract with private examiners to accomplish such examinations; to provide for the payment of such examinations.

Referred to Committee on Insurance and Labor.

SB 657. By Senators Blitch of the 7th, Tanksley of the 32nd, Walker of the 22nd and Cheeks of the 23rd:

A bill to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to change certain provisions relating to liability of an insurer for damages and attorney's fees upon bad faith refusal to timely pay a claim;

to change certain provisions relating to motor vehicle liability policy requirements and uninsured motorist coverage; to provide for applicability.

Referred to Committee on Special Judiciary.

- SB 658. By Senators Thomas of the 10th, Walker of the 22nd, Stokes of the 43rd and others:

A bill to amend Chapter 30 of Title 33 of the Official Code of Georgia Annotated, relating to group or blanket accident and sickness insurance, so as to provide for the prompt payment of claims by insurers; to provide a penalty for late payment of claims.

Referred to Committee on Health and Human Services.

- SB 659. By Senators Oliver of the 42nd and Streat of the 19th:

A bill to amend Code Section 40-5-67.1 of the Official Code of Georgia Annotated, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspension or denial, hearing and review, compensation of officers, and inspection and certification of breath-testing instruments, so as to provide for legal sufficiency of implied consent notices for certain purposes in certain cases.

Referred to Committee on Judiciary.

- SB 660. By Senators Abernathy of the 38th, Oliver of the 42nd, Starr of the 44th and Walker of the 22nd:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to expand the circumstances when the court is authorized to order counseling or counsel and advice; to correct a cross reference; to provide for custody orders to last until the child's 18th birthday in certain circumstances.

Referred to Committee on Judiciary.

- SR 655. By Senators Hooks of the 14th, Gillis of the 20th and Broun of the 46th:

A resolution honoring Hugh Alton Carter and designating the Hugh Alton Carter Bridge.

Referred to Committee on Transportation.

The following bills were read the first time and referred to committees:

- HB 1086. By Representatives Henson of the 65th, Orrock of the 56th, Trense of the 44th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide legislative findings and declarations relative to osteoporosis occurrence, prevention, detection, and treatment; to provide for patient education relative to osteoporosis prevention and treatment; to provide for certain required insurance coverage.

Referred to Committee on Health and Human Services.

- HB 1202. By Representatives McBee of the 88th, Holland of the 157th and Hudgens of the 24th:

A bill to amend Code Section 21-2-131 of the Official Code of Georgia Annotated, relating to the fixing and publishing of qualifying fees, so as to provide that for certain offices, the qualifying fee shall be based on the minimum salary mandated by general law.

Referred to Committee on State and Local Governmental Operations (General).

HB 1323. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to state funded local indigent defense programs, so as to provide for the utilization of private funds by the Georgia Indigent Defense Council.

Referred to Committee on Judiciary.

HB 1373. By Representatives Irvin of the 45th, Ashe of the 46th, Ehrhart of the 36th and others:

A bill to amend Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to labor practices, so as to change the prohibitions against strikes by state employees so as to apply to additional public employees.

Referred to Committee on State and Local Governmental Operations (General).

HB 1404. By Representatives Benefield of the 96th and McCall of the 90th:

A bill to amend Code Section 50-29-4 of the Official Code of Georgia Annotated, relating to the creation of the Information Technology Policy Council, so as to amend the membership of such council.

Referred to Committee on Science, Technology and Industry.

HB 1433. By Representatives Royal of the 164th, Shanahan of the 10th, Smith of the 12th and others:

A bill to amend Code Section 48-8-121 of the Official Code of Georgia Annotated, relating to use of proceeds, issuance of certain debt, and audit reporting requirements applicable to special county 1 percent sales and use tax, so as to change the provisions relating to the contents of the required audit report schedule.

Referred to Committee on Finance and Public Utilities.

HB 1491. By Representatives Cummings of the 27th and Childers of the 13th:

A bill to amend Code Section 43-11-2 of the Official Code of Georgia Annotated, relating to the creation and composition of the Georgia Board of Dentistry, so as to provide that the dental hygienist who is a member of such board shall be a resident of Georgia and shall be a practicing dental hygienist in this state.

Referred to Committee on Health and Human Services.

HB 1511. By Representatives Coleman of the 142nd, Holmes of the 53rd, Scott of the 165th and others:

A bill to amend Chapter 1 of Title 45 of the Official Code of Georgia Annotated, relating to general provisions regarding public officers and employees, so as to provide that complaints or information from public employees directed

to members of the General Assembly concerning fraud, waste, and abuse in or relating to any state programs or operations shall be confidential.

Referred to Committee on State and Local Governmental Operations (General).

HB 1516. By Representatives Birdsong of the 123rd, Smith of the 175th, DeLoach of the 172nd and others:

A bill to amend Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to the service cancelable loan fund and authorized types of service cancelable educational loans, so as to change the provisions relating to service cancelable educational loans for eligible members of the Georgia National Guard.

Referred to Committee on Defense and Veterans Affairs.

HB 1538. By Representatives Hanner of the 159th, Parrish of the 144th and Barnes of the 33rd:

A bill to amend Code Section 40-2-48 of the Official Code of Georgia Annotated, relating to license plates promoting the United States Disabled Athletes Fund, so as to change certain provisions relating to annual renewal; to change certain provisions relating to manufacturing costs.

Referred to Committee on Transportation.

HB 1549. By Representatives Porter of the 143rd, Barnes of the 33rd, Martin of the 47th and Bordeaux of the 151st:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to authorize the Attorney General to bring judicial actions to enforce laws relating to open and public meetings and public records.

Referred to Committee on Judiciary.

HB 1582. By Representatives Stanley of the 50th, Buck of the 135th, Stanley of the 49th and others:

A bill to amend Article 5 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to excise taxes on rental motor vehicles, so as to provide for reporting cash and credit rental charges; to provide for changing of basis of accounting; to provide for payment of tax at time of filing return under cash basis of accounting.

Referred to Committee on Finance and Public Utilities.

HB 1596. By Representatives Buck of the 135th, Royal of the 164th, Jamieson of the 22nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to revise provisions relating to Georgia taxes; to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby to incorporate provisions of federal law into Georgia law.

Referred to Committee on Finance and Public Utilities.

HB 1631. By Representatives Murphy of the 18th, Buck of the 135th, Davis of the 48th and others:

A bill to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to county and municipal excise tax levies on charges to

the public for rooms, lodgings, and accommodations, so as to change certain provisions authorizing certain counties and municipalities to levy such tax under certain conditions.

Referred to Committee on Finance and Public Utilities.

HB 1656. By Representatives Skipper of the 137th, Royal of the 164th, O'Neal of the 75th and others:

A bill to amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state sales and use tax, so as to provide for an exemption with respect to sales of blood glucose level measuring strips; to provide for an exemption for the sale of certain eligible food and beverages to and by member councils of the Girl Scouts of the U.S.A. or the Boy Scouts of America.

Referred to Committee on Finance and Public Utilities.

HB 1688. By Representative Hudson of the 156th:

A bill to amend an Act incorporating the City of Ocilla, so as to correct an error regarding the time for election of councilmembers representing Districts 1 and 4.

Referred to Committee on State and Local Governmental Operations.

HB 1691. By Representative Stephens of the 150th:

A bill to amend an Act creating a new charter for the City of Bloomingdale, so as to extend the present corporate limits of said municipality and annex and incorporate certain additional land to said municipality.

Referred to Committee on State and Local Governmental Operations.

HB 1694. By Representatives Bradford of the 30th, Wiles of the 34th, Sauder of the 29th and others:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the chief judge, judges, and associate judges of the state court.

Referred to Committee on State and Local Governmental Operations.

HB 1695. By Representative Bridges of the 9th:

A bill to amend an Act creating a Board of Commissioners for Habersham County, so as to change the number of commission districts from three districts to five districts.

Referred to Committee on State and Local Governmental Operations.

HB 1699. By Representatives Golden of the 177th, Shaw of the 176th and Reaves of the 178th:

A bill to amend an Act creating the Board of Commissioners of Lowndes County, so as to change the provisions relating to regular meetings of the Board of Commissioners.

Referred to Committee on State and Local Governmental Operations.

HR 1034. By Representative Shaw of the 176th:

A resolution designating the William Jackson "Moogie" Lee Highway.

Referred to Committee on Transportation.

The following ~~committee reports~~ were read by the Secretary:

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills and resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 529. Do pass by substitute.	HB 1368. Do pass.
SR 627. Do pass by substitute.	HB 1520. Do pass.
SR 635. Do pass.	HB 1535. Do pass.
HB 1219. Do pass.	HR 825. Do pass by substitute.
HB 1365. Do pass.	HR 935. Do pass by substitute.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 575. Do pass.	HB 1101. Do pass.
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Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Public Safety has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 604. Do pass.	SR 586. Do pass.
SB 608. Do pass by substitute.	HB 812. Do pass.
SB 616. Do pass.	HB 1266. Do pass.

Respectfully submitted,

Senator Bowen of the 13th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 651. Do pass.	HB 1669. Do pass.
HB 1653. Do pass.	HB 1671. Do pass.
HB 1668. Do pass.	HB 1677. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolutions were read the second time:

SB 71	SB 538	SB 591	SB 644	SR 588	SR 591
SR 613	SR 639	HB 1227	HB 1228	HB 1229	HB 1263
HB 1290	HB 1337	HB 1406	HB 1434	HB 1460	HB 1502
HR 842	HR 843	HR 856			

Senator Harbison of the 15th moved that Senator James of the 35th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator James was excused.

Senator Price of the 56th moved that Senator Cagle of the 49th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Cagle was excused.

Senator Land of the 16th moved that Senator Crofts of the 17th be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Crofts was excused.

Senator Dean of the 31st asked unanimous consent that the morning roll call be dispensed with. The consent was granted, and the morning roll call was dispensed with.

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Ray of the 48th introduced the chaplain of the day, Dr. Frank Cox, Pastor of North Metro First Baptist Church, Lawrenceville, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 656. By Senators Bowen of the 13th, Streat of the 19th, Starr of the 44th and others:

A resolution recognizing and commending Veronica Crockett and Judy Thompson.

SR 657. By Senators Middleton of the 50th, Ralston of the 51st, Thompson of the 33rd and others:

A resolution congratulating the Georgia Academy of Family Physicians.

SR 658. By Senator Burton of the 5th:

A resolution recognizing and commending Alisan Atvur.

SR 659. By Senator Stokes of the 43rd:

A resolution commending the Empire Real Estate Board, Inc.

SR 660. By Senators Tysinger of the 41st, Guhl of the 45th and Burton of the 5th:

A resolution expressing regret at the passing of Ronald Myron Toms.

The following local, uncontested bills of the Senate and House favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Friday, February 20, 1998
 TWENTY-FIFTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 646 Cagle, 49th
 HALL COUNTY

A bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Hall County; to provide for the method of distribution of proceeds of such tax between the Hall County School District and the independent school districts located wholly or partially within Hall County, including particularly the City of Gainesville School System and the City of Buford School System.(SUBSTITUTE)

SB 651 Boshears, 6th
Kemp, 3rd
GLYNN COUNTY

A bill to provide homestead exemptions from Glynn County ad valorem taxes for county purposes for certain residents of that county; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for the specific repeal of an Act approved March 16, 1994, relating to homestead exemptions for such county; to provide for applicability.

HB 1653 Price, 28th
COWETA COUNTY

A bill to provide a homestead exemption from Coweta County School District ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes of more than \$12,500.00 but less than \$25,000.00 and who are 65 years of age or over or totally disabled.

HB 1668 Ralston, 51st
GILMER COUNTY

A bill to amend an Act entitled "An Act to create a board of commissioners of Gilmer County," so as to change the provisions relating to purchasing and competitive bids.

HB 1669 Land, 16th
HARRIS COUNTY

A bill to amend an Act to reconstitute the Board of Education of Harris County and provide for its powers, duties, rights, obligations, and liabilities and subject it to certain constitutional and statutory provisions, so as to change the per diem compensation of members of the board of education.

HB 1671 Price, 56th
Ralston, 51st
CHEROKEE COUNTY

A bill to provide a homestead exemption from certain Cherokee County ad valorem taxes for county purposes in the amount of \$5,000.00 of the assessed value of the homestead of certain residents of that county.

HB 1677 Ray, 48th
CITY OF DULUTH
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A bill to amend an Act creating a new charter for the City of Duluth, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmembers.

The substitute to the following bill was put upon its adoption:

* SB 646:

A BILL

To be entitled an Act to provide for an alternative method of distribution of the net proceeds of the sales and use tax for educational purposes authorized under Article VIII, Section VI, Paragraph IV of the Constitution among the Hall County School District, City of Gainesville Independent School District, and the City of Buford Independent School District; to provide for the authority for this Act; to provide an effective date; to provide for automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The net proceeds of the sales and use tax for educational purposes authorized under Article VIII, Section VI, Paragraph IV of the Constitution and imposed beginning October 1, 1997, shall, upon the filing of the proper distribution certificate with the Georgia Department of Revenue after the effective date of this Act, be distributed among the Hall County School District, the City of Gainesville Independent School District, and the City of Buford Independent School District, as follows:

- (1) From the gross receipts of the sales and use tax, \$50,000.00 per month shall be distributed to the City of Buford Independent School District; provided, however, that in no event shall the City of Buford Independent School District receive more or less than \$3 million; and
- (2) After the monthly remittance to the City of Buford Independent School District, the proceeds of the sales and use tax shall be distributed between the Hall County School District and the City of Gainesville Independent School District and shall be distributed according to the ratio the student enrollment in each of the two districts bears to the total student enrollment in said districts. That is, the City of Gainesville Independent School District shall receive 15.62 percent and the Hall County School District shall receive 84.38 percent of the proceeds remaining after the remittance to the City of Buford Independent School District.

SECTION 2.

This Act is enacted pursuant to the specific authority provided for in Article VIII, Section VI, Paragraph IV(g) of the Constitution.

SECTION 3.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply with respect to all distributions made by the Georgia Department of Revenue on or after such effective date pursuant to the filing of the proper distribution certificate.

SECTION 4.

This Act shall stand repealed in its entirety on September 30, 2002.

SECTION 5.

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

On the adoption of the substitute, the yeas were 46, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	EX	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
EX Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp		Tanksley
Y Clay	Y	Lamutt	Y	Taylor
EX Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton		Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the local bills, the yeas were 46, nays 0.

The bills on the Local Consent Calendar, except SB 646, having received the requisite constitutional majority, were passed.

SB 646, having received the requisite constitutional majority, was passed by substitute.

Senator Langford of the 29th introduced representatives of the Georgia Humanities Council, commended by SR 651, adopted previously.

NOTICE OF MOTION TO RECONSIDER:

HB 1307 Child support recovery; certain employer reports; amend provisions
(Judy 42nd) Martin 47th

SENATE RULES CALENDAR

Friday, February 20, 1998
TWENTY-FIFTH LEGISLATIVE DAY

SB 407 Pistol, Revolver-unlawful for person to allow minor to obtain (Substi-
tute)(Judy-36th)

(Pursuant to Senate Rule 143, final passage of the bill was suspended on February 19, 1998.)

- HB 1288 Minors; deprivation cases; appointment of guardian ad litem (Judy-42nd) Hecht-97th
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- SB 463 Veterans' Funerals-National Guard members as honor guards (Substitute)(D&VA-37th)
- HB 714 Blind vendors; guide dogs; allow on vending premises (Substitute) (S Judy-40th) Mueller-152nd
- SB 615 Cosmetology-instructors' licenses, disease testing, immunization (Substitute)(C Aff-10th)
- SB 440 Covenant Marriage Act-provide (Substitute)(S Judy-34th)
- HR 778 Tift County; grant deed to Tift County Development Authority (F&PU-13th) Scott-165th
- HB 1087 Trout fishing; amend provisions (Nat R-50th) Carter-166th
- SB 560 Clinical Laboratory Examination of Human Specimens-quality assurance program (H&HS-14th)
- HB 1098 Blasting; utility facility; change definition (F&PU-33rd) Byrd-170th

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

Senator Turner of the 8th introduced the doctor of the day, Dr. Bill Ellis of Thomasville, Georgia.

The following bill, having been read the third time and final action suspended on February 19th, 1998, pursuant to Senate Rule 143, and placed on the Senate Rules Calendar for today, was continued upon its passage:

SB 407. By Senators Scott of the 36th, Walker of the 22nd, Egan of the 40th and others:

A bill to amend Article 4 of Chapter 11 of Title 16 of the Official Code of Georgia Annotated, relating to crimes involving dangerous instrumentalities and practices in general, so as to provide that it shall be unlawful for any person negligently to allow a minor to obtain possession of a pistol or revolver; to provide for criminal penalties.

The substitute offered by Senator Scott of the 36th, Perdue of the 18th, and Clay of the 37th, as it appears in the Journal of February 19th, was automatically reconsidered.

On the adoption of the substitute, the yeas were 32, nays 1, and the Scott, et al. substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to by substitute.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Boshears	Y	Brown, 26th
Balfour	Y	Bowen	N	Brush
Y Blicht		Broun, 46th	N	Burton

N	Cagle	N	Huggins	Y	Ralston
	Cheeks	EX	James	N	Ray
Y	Clay	Y	Johnson,D	Y	Roberts
Y	Crotts	Y	Johnson,E	Y	Scott
N	Dean	Y	Kemp		Starr
Y	Egan	Y	Lamutt	Y	Stokes
Y	Fort	Y	Land	Y	Streat
Y	Gillis	Y	Langford	Y	Tanksley
N	Glanton	N	Madden	Y	Taylor
N	Gochenour	N	Marable	Y	Thomas,D
Y	Griffin	Y	Middleton	Y	Thomas,N
N	Guhl	Y	Oliver	N	Thompson
Y	Harbison	Y	Perdue	Y	Turner
Y	Henson	N	Price,R	Y	Tysinger
Y	Hill	Y	Price,T	Y	Walker
Y	Hooks	Y	Ragan		

On the passage of the bill, the yeas were 37, nays 13.

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

The following general bills were read the third time and put upon their passage:

HB 1288. By Representatives Hecht of the 97th, Martin of the 47th, Lee of the 94th and others:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings and parental rights, so as to provide for appointment of counsel or a court appointed special advocate as guardian ad litem for a minor in deprivation cases.

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Glanton	Y	Marable
	Balfour	Y	Gochenour	Y	Middleton
Y	Blitch	Y	Griffin	Y	Oliver
Y	Boshears	Y	Guhl		Perdue
Y	Bowen	Y	Harbison	Y	Price,R
Y	Broun, 46th	Y	Henson	Y	Price,T
	Brown, 26th	Y	Hill	Y	Ragan
	Brush	Y	Hooks	Y	Ralston
Y	Burton	Y	Huggins	Y	Ray
	Cagle	EX	James	Y	Roberts
Y	Cheeks	Y	Johnson,D	Y	Scott
Y	Clay	Y	Johnson,E	Y	Starr
Y	Crotts	Y	Kemp	Y	Stokes
Y	Dean	Y	Lamutt	Y	Streat
	Egan	Y	Land	Y	Tanksley
Y	Fort	Y	Langford	Y	Taylor
Y	Gillis	Y	Madden	Y	Thomas,D

	Glanton	Y	Lamutt	Y	Roberts
Y	Gochenour	Y	Land	Y	Scott
Y	Griffin	Y	Langford	Y	Starr
Y	Guhl	Y	Madden	Y	Stokes
Y	Harbison	Y	Marable	Y	Streat
	Henson	Y	Middleton	Y	Tanksley
Y	Hill		Oliver	Y	Taylor
Y	Hooks		Perdue	Y	Thomas,D
Y	Huggins	Y	Price,R	Y	Thomas,N
EX	James	Y	Price,T	Y	Thompson
Y	Johnson,D	Y	Ragan	Y	Turner
Y	Johnson,E	Y	Ralston	Y	Tysinger
Y	Kemp	Y	Ray	Y	Walker

On the passage of the bill, the yeas were 49, nays 0.

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

HB 714. By Representatives Mueller of the 152nd, Day of the 153rd, Snow of the 2nd and others:

A bill to amend Code Section 30-4-1 of the Official Code of Georgia Annotated relating to right to equal public accommodations for the handicapped and the right to be accompanied by a guide dog or service dog, so as to delete certain restrictions on the right of totally or partially blind vendors to be accompanied by guide dogs.

Senate Sponsor: Senator Egan of the 40th.

The Senate Committee on Special Judiciary offered the following substitute to HB 714:

A BILL

To be entitled an Act to amend Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons with visual disabilities and deaf persons, so as to delete certain restrictions on the right of totally or partially blind vendors to be accompanied by guide dogs; to repeal certain provisions relating to the right of certain persons to use service capuchin monkeys in lieu of service dogs; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 30 of the Official Code of Georgia Annotated, relating to rights of persons with visual disabilities and deaf persons, is amended by striking in its entirety subsection (c) of Code Section 30-4-1, relating to the right to equal public accommodations for the disabled and the right to be accompanied by a guide dog or service dog, and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) Every totally or partially blind person operating a vending stand shall have the right to be accompanied by a trained guide dog in the location on the entire premises of his or her vending operation provided the guide dog remains 25 feet or more from any food.”

SECTION 2.

Said chapter is further amended by striking in its entirety subsection (b) of Code Section 30-4-2, relating to the right of blind persons, visually disabled persons, and deaf persons to housing accommodations, and inserting in lieu thereof a new subsection (b) to read as follows:

“(b) Blind persons, visually disabled persons, and deaf persons shall be entitled to rent, lease, or purchase, as other members of the general public, all housing accommodations offered for rent, lease, or other compensation in this state, subject to the conditions and limitations established by law and applicable alike to all persons:

~~(2) Any person granted rights in b(1) shall have the option of using a service capuchin monkey in lieu of a service dog provided that such service capuchin monkey be identified as having been trained by a school for service capuchin monkeys.”~~

SECTION 3.

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

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	EX	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E		Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 52, nays 0.

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

SB 615. By Senators Thomas of the 10th, Brush of the 24th and Streat of the 19th:

A bill to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to change certain provisions relating to education and training of persons regulated by the State Board of Cosmetology; to require certain continuing education; to require licensing of instructors in pri-

vate cosmetology schools; to require certain disease testing and immunization of hairdressers, nail technicians, and cosmetologists.

The Senate Consumer Affairs Committee offered the following substitute to SB 615:

A BILL

To be entitled an Act to amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to change certain provisions relating to education and training of persons regulated by the State Board of Cosmetology; to require certain continuing education; to require licensing of instructors in private cosmetology schools; to require certain disease testing and immunization of hairdressers, nail technicians, and cosmetologists; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by striking Chapter 10 thereof, relating to cosmetologists, and inserting in its place the following:

“CHAPTER 10

43-10-1.

As used in this chapter, the term:

- (1) ‘Beautician’ means ‘cosmetologist’ as such term is defined in this Code section.
- (2) ‘Beauty shop’ or ‘beauty salon’ means any premises where one or more persons engage in the occupation of cosmetology.
- (3) ‘Board’ means the State Board of Cosmetology.
- (4) ‘Cosmetologist’ means any person who performs any one or more of the following services for compensation:
 - (A) Cuts, braids, or dresses the hair;
 - (B) Gives facial or scalp massage or facial and scalp treatment with oils or creams and other preparations made for this purpose, either by hand or mechanical appliance;
 - (C) Singes and shampoos the hair, dyes the hair, or does permanent waving of the hair;
 - (D) Performs nail care, pedicure, or manicuring services as defined in paragraph (6) of this Code section; or
 - (E) Performs the services of an esthetician as defined in paragraph (5) of this Code section.

Such person shall be considered as practicing the occupation of a cosmetologist within the meaning of this Code section.

(5) ‘Esthetician’ or ‘esthetics operator’ means a person who, for compensation, engages in any one or a combination of the following practices, esthetics, or cosmetic skin care:

- (A) Massaging the face or neck of a person;
- (B) Trimming eyebrows;
- (C) Dyeing eyelashes or eyebrows; or

(D) Waxing, stimulating, cleansing, or beautifying the face, neck, arms, or legs of a person by any method with the aid of the hands or any mechanical or electrical apparatus or by the use of a cosmetic preparation.

Such practices of esthetics shall not include the diagnosis, treatment, or therapy of any dermatological condition.

(6) 'Manicurist' means a person who, for compensation, trims, files, shapes, decorates, applies sculptured or otherwise artificial nails, or in any way cares for the nails of another person.

(7) 'Master cosmetologist' means a cosmetologist who is possessed of the requisite skill and knowledge to perform properly all the services mentioned in paragraph (4) of this Code section for compensation.

(8) 'School of cosmetology' means any establishment that receives compensation for training more than one person in the occupation of cosmetology as defined in paragraph (4) of this Code section. Technical institutes whose programs have been approved by the Department of Technical and Adult Education or the Department of Education are not 'schools of cosmetology' within the meaning of this chapter.

(9) 'School of esthetics' means any establishment that receives compensation for training more than one person in the occupation of esthetics as defined in paragraph (5) of this Code section. Technical institutes whose programs have been approved by the Department of Technical and Adult Education or the Department of Education are not 'schools of esthetics' within the meaning of this chapter.

(10) 'School of nail care' means any establishment that receives compensation for training more than one person in the occupation of nail care or manicuring as defined in paragraph (6) of this Code section. Technical institutes whose programs have been approved by the Department of Technical and Adult Education or the Department of Education are not 'schools of nail care' within the meaning of this chapter.

43-10-2.

(a) There is created the State Board of Cosmetology. The board shall consist of eight members who shall be residents of this state. The board shall have the duty of carrying out and enforcing this chapter.

(b) Members of the board shall be at least 25 years of age and be high school graduates; and five of such members must have had at least five years of practical experience in the practice of cosmetology at the master level, a portion of which must have been as a beauty salon owner or manager. One member of the board must have had at least five years of practical experience in the practice of cosmetology at the esthetician level. One member of the board must have had at least five years of practical experience as a manicurist.

(c) The board shall meet as necessary each year for the purpose of holding examinations, adopting rules and regulations, and handling other matters pertaining to duties of the board.

(d) No member of the board shall be affiliated with any school of cosmetology. One member shall not have any connection with the practice or business of cosmetology whatsoever, but he or she shall have a recognized interest in consumer affairs and in consumer protection concerns. No member of the board shall be affiliated or connected in any manner with any manufacturer or wholesale or jobbing house dealing with supplies sold to practitioners of cosmetology while in office.

(e) Board members shall be appointed by the Governor for a term of three years and until their successors are appointed and qualified. Vacancies shall be filled by the Governor for the unexpired portion of the term. The board may do all things necessary for carrying this chapter into effect and may, from time to time, promulgate necessary rules and regulations compatible with this chapter. The Governor may remove any board member for cause as provided in Code Section 43-1-17.

(f) Each year the members shall elect a ~~chairman~~ chairperson from among themselves. In the event the members cannot agree as to who shall be ~~chairman~~ chairperson, the Governor shall appoint one of such members as ~~chairman~~ chairperson. The ~~chairman~~ chairperson so elected or appointed shall be eligible to succeed ~~himself or herself~~. The members of the board shall be considered public officers and shall take the oath required thereof.

(g) The board shall adopt a seal to be used to authenticate all its official papers and acts and shall have power to subpoena witnesses, administer oaths, and hear and take testimony in any matter over which it may have jurisdiction.

43-10-3.

Each member of the board shall be reimbursed as provided for in subsection (f) of Code Section 43-1-2.

43-10-4.

Reserved.

43-10-5.

The joint-secretary shall keep a record of all proceedings of the board. Such records shall be prima-facie evidence of all matters required to be kept therein, and certified copies of the same or parts thereof shall be primary evidence of their contents. All such copies, other documents, or certificates lawfully issued upon the authority of the board shall, when authenticated under the seal of the board, be admitted in any investigation in any court or elsewhere without further proof.

43-10-6.

(a) The board is authorized to adopt reasonable rules and regulations prescribing the sanitary requirements of beauty shops, beauty salons, schools of cosmetology, schools of esthetics, and schools of nail care, subject to the approval of the Department of Human Resources, to cause the rules and regulations or any subsequent revisions to be in suitable form, and to transmit a copy thereof to the proprietor of each beauty shop, beauty salon, school of cosmetology, school of esthetics, or school of nail care. It shall be the duty of every proprietor or person operating a beauty shop, salon, school of cosmetology, school of esthetics, and school of nail care in this state to keep a copy of such rules and regulations posted in a conspicuous place in his or her business, so as to be easily read by his or her customers.

(b) The board is authorized to adopt reasonable rules and regulations requiring that persons licensed under this chapter undergo screening and immunization for tuberculosis and hepatitis prior to issuance or renewal of a license issued under this chapter.

(b)(c) Any inspector employed by the joint-secretary shall have the power to enter and make reasonable examination of any beauty shop, salon, and school in the state during business hours for the purpose of enforcing the rules and regulations of the board and for the purpose of ascertaining the sanitary conditions thereof. Inspectors employed by the joint-secretary shall have the power to issue citations for the purpose of

enforcing this chapter and rules and regulations of the board. Any beauty shop, salon, or school to which such citation is issued shall be subject to the following penalties:

- (1) For a first violation, a fine not exceeding \$500.00 and a 30 day suspension of licensure or certification, such suspension to be automatically removed upon payment of the fine and correction of the violation;
- (2) For a second violation within a two-year period, a fine not exceeding \$500.00 and a 60 day suspension, such suspension to be automatically removed upon payment of the fine and correction of the violation; and
- (3) For a third or subsequent violation within a two-year period, a fine not exceeding \$750.00 and a 90 day suspension, such suspension to be automatically removed 30 days after payment of the fine and correction of the violation, unless said suspension would expire earlier.

No suspension required in this Code section shall terminate unless the required fine is paid and the violation which resulted in such suspension is corrected.

(c)(d) Any beauty shop, salon, or school in which tools, appliances, and furnishings used therein are kept in an unclean and unsanitary condition so as to endanger health is declared to be a public nuisance.

43-10-7.

It shall be the duty of the board to issue through the joint-secretary those certificates of registration for which provision is made in this chapter, and each such certificate of registration for an individual shall bear thereon a photograph or computerized image of the individual.

43-10-8.

(a) It shall be unlawful for any person to pursue the occupation of cosmetology in this state unless he or she has first completed the required hours for and obtained the appropriate certificate of registration as provided in this chapter.

(b) It shall be unlawful for any person to hold himself or herself out as a master cosmetologist without having first obtained the certificate of registration for such. Such person shall be authorized to perform all the services mentioned in paragraph (4) of Code Section 43-10-1. Nothing in this chapter shall prohibit any person who holds a valid master cosmetologist license in this state on March 29, 1983, from practicing at the master cosmetologist level as defined in paragraph (4) of Code Section 43-10-1.

(c) Notwithstanding any other provisions of this chapter, any person desiring to perform solely cosmetic skin care services shall be allowed to obtain a certificate of registration at the esthetician level upon completing the required hours therefor, which certifies that the holder thereof shall be authorized to perform some or all of the services mentioned in paragraph (5) of Code Section 43-10-1.

(d)(1) Notwithstanding any other provisions of this chapter, any person desiring to perform solely cosmetic nail care services shall be allowed to obtain a certificate of registration at the manicurist level upon completing the required hours therefor, which certifies that the holder thereof shall be authorized to perform some or all of the services mentioned in paragraph (6) of Code Section 43-10-1.

(2) Notwithstanding any other provisions of this chapter, any person who has actively engaged in the practice of cosmetology, esthetics, or nail care on a military installation in Georgia for three years prior to July 1, 1985, shall be eligible to receive a certificate of registration at the cosmetology, esthetics, or nail care level upon

proper proof of experience, application, and appropriate fee being submitted to the board on or before September 1, 1985.

(e) It shall also be unlawful for any person or persons to operate a beauty shop, beauty salon, school of cosmetology, school of esthetics, or school of nail care without first having obtained a certificate of registration for such shop, salon, or school as provided in this chapter. Any beauty shop, salon, or school shall register with the joint-secretary of the state examining boards prior to opening.

(f) This chapter shall have uniform application throughout the state so that no cosmetologist, beauty shop, school of cosmetology, school of esthetics, or school of nail care shall be exempt from regulation.

43-10-9.

(a) Any person desiring to obtain a certificate of registration to enable him or her to engage in the occupation of cosmetology shall make application through the joint-secretary to the board and shall present proof that he or she has completed the ninth twelfth grade of school instruction or its substantial equivalent. If, after review of the application, it is determined that the applicant is at least ~~17~~ 18 years of age; is of good moral character; has completed a ~~1500~~ 1,650 credit hour study course at a board approved school or has served as an apprentice in a beauty shop or beauty salon for a period of at least ~~3000~~ 3,300 credit hours; has practiced or studied the occupation of cosmetology; is possessed of the requisite skill in such occupation to perform properly all the duties of the occupation, including his or her ability in the preparation of tools, in performing the services mentioned in paragraph (4) of Code Section 43-10-1 and in all the duties and services incident thereto; shall pay to the joint-secretary an examination fee in such amount as shall be set by the board by regulation; and shall present himself or herself at the next meeting of the board held for examination of applicants at which such person is scheduled for examination and shall pass the examination, a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of master cosmetologist.

(b) Should an applicant under this Code section fail to pass such an examination, the board shall furnish him or her a statement in writing, stating wherein the applicant was deficient. Nothing in this chapter shall be construed to prevent applicants from making subsequent applications to qualify under this Code section, provided they again pay the required examination fee.

(c) An approved applicant for examination under this Code section may be issued a work permit authorizing said applicant to practice such occupation until the release of the results of the examination for which the applicant is scheduled. If the applicant fails to appear for the examination or fails any portion of the examination, the work permit shall be revoked unless the applicant provides just cause to the board as to why the applicant was unable to appear for the examination.

(d) Should an applicant have a current cosmetology license in force from another state or country, or territory of the United States, or the District of Columbia, where similar reciprocity is extended to this state and licensure requirements are substantially equal to those in this state, and have paid to the joint-secretary a fee in such amount as shall be set by the board by regulation, the applicant may be issued, without examination, a certificate of registration at the appropriate level, entitling him or her to practice the occupation of cosmetology or the teaching of cosmetology at that level, unless the board, in its discretion, sees fit to require examination subject to the terms and provisions of this chapter.

(e) Any person desiring to obtain a certificate of registration at the esthetician level under the terms of this chapter shall make application through the joint-secretary to the board and shall present proof that he or she has completed the ~~ninth~~ twelfth grade of school instruction or its substantial equivalent. If, after review of the application, it is determined that the applicant is at least ~~17~~ 18 years of age; is of good moral character; has completed a ~~750~~ 1,000 credit hour study course within a nine-month period at a board approved school or has served as an apprentice in a beauty shop or beauty salon for a period of at least ~~1500~~ 2,000 credit hours; has practiced or studied cosmetic skin care as defined in paragraph (5) of Code Section 43-10-1; is possessed of the requisite skill to perform properly these services; shall pay to the joint-secretary an examination fee in such amount as shall be set by the board by regulation; and shall present himself or herself at the next meeting of the board for examination of applicants at which such person is scheduled for examination and shall pass the examination, a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of cosmetology at the esthetician level.

(f) Any person desiring to obtain a certificate of registration at the manicurist level under the terms of this chapter shall make application through the joint-secretary to the board and shall present proof that he or her has completed the ~~ninth~~ twelfth grade of school instruction or its substantial equivalent. If, after review of the application, it is determined that the applicant is at least ~~17~~ 18 years of age, is of good moral character, has completed a ~~320~~ 640 credit hour study course within a six-month period at a board approved school or has served as an apprentice in a beauty shop or beauty salon for a period of at least ~~640~~ 1,280 credit hours, has practiced or studied nail care, is possessed of the requisite skill to perform properly these services, and the applicant pays to the joint-secretary an examination fee in such amount as shall be set by the board by regulation, presents himself or herself at the next meeting of the board held for examination of applicants at which such person is scheduled for examination, and passes the examination, then a certificate of registration shall be issued to him or her entitling him or her to practice the occupation of cosmetology at the manicurist level.

(g) Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration for the occupation of cosmetology, at the master level, the esthetician level, or the manicurist level if such person obtains his or her credit hour study at a State Board of Education approved school or a technical institute under the jurisdiction of the Department of Technical and Adult Education or the Department of Education rather than at a board approved school.

(h) A person licensed to practice barbering under Chapter 7 of this title shall be eligible to take the master cosmetologist examination provided for in this Code section if that person completes a board approved ~~300~~ 600 hour prescribed course in an approved cosmetology school, submits a completed application, and pays the proper fees established by the board.

43-10-10.

The holder of any certificate of registration issued under Code Section 43-10-9 shall display the same in a conspicuous place in his or her shop or place of business. Certificates of registration issued under Code Section 43-10-9 shall be renewable biennially. The holder shall pay to the joint-secretary a renewal fee in such amount as shall be set by the board by regulation and shall provide proof of completion of 15 hours of board approved continuing education since the date of issuance of the applicant's original or latest renewal license; provided, however, that the board may waive the requirement of payment and continuing education for any applicant having held a li-

cense in excess of 30 years where such applicant is elderly, inactive, or subject to hardships which in the judgment of the board justify a waiver. Upon failure to renew such certificate of registration, it shall stand automatically revoked; and the holder shall be disqualified from practicing the occupation of cosmetology under this chapter until all fees to date of application for reinstatement shall be paid and an application for reinstatement submitted along with a reinstatement fee in such amount as shall be set by the board by regulation. If the board is satisfied that the applicant for reinstatement meets all the qualifications set forth in this Code section and Code Section 43-10-9, the applicant shall be issued a new certificate of registration.

43-10-11.

All beauty shops, salons, schools of cosmetology, schools of esthetics, and schools of nail care shall be registered with the joint-secretary by the owner or manager. Such registration shall be made by the filing of an application on forms furnished by the joint-secretary; shall include the name and location of the beauty shop, salon, or school, the name and address of the owner, and the names and addresses of all instructors of the shop, salon, or school at the time of registration; and shall be accompanied by a registration fee in such amount as shall be set by the board by regulation. The board is authorized and directed to issue a certificate of registration to each shop, salon, or school so registering and paying such fee, which certificate shall be displayed in a conspicuous place in the registered shop, salon, or school.

43-10-12.

(a)(1) All schools of cosmetology, schools of esthetics, or schools of nail care shall:

(A) Cause to be registered with the board, at the time of opening, 15 bona fide students;

(B) Have not less than one instructor for every 20 students or a fraction thereof; and

(C) Keep permanently displayed a sign reading 'School of Cosmetology,' 'School of Esthetics,' or 'School of Nail Care,' as the case may be; and all such signs shall also display the words 'Service by Students Only.' Where service is rendered by a student, no commissions or premiums shall be paid to such student for work done in the schools; nor shall any person be employed by the schools to render professional service to the public.

(2) All schools of cosmetology, schools of esthetics, and schools of nail care are required to keep in a conspicuous place in such schools a copy of the rules and regulations adopted by the board.

(3) All cosmetologists who take an apprentice pursuant to Code Section 43-10-14 shall file immediately with the board through the joint-secretary the name and age of such apprentice; and the board shall cause such information to be entered on a register kept by the joint-secretary for that purpose.

(b) Any person desiring to operate or conduct a school of cosmetology, school of esthetics, or school of nail care prior to opening shall first secure from the board a permit to do so and shall keep the permit prominently displayed in the school.

(c) The board shall have the right to pass upon the qualifications, appointments, courses of study, and hours of study in the school of cosmetology, school of esthetics, or school of nail care, provided that:

(1) All schools of cosmetology shall be required to teach the following courses: theory, permanent and cold waving, hair coloring and bleaching, hair and scalp treat-

ments, hair and scalp conditioning, hair cutting and shaping, hairdressing, shampooing, styling, comb out, charm, reception, desk work, art and laboratory, facials, makeup and arching, skin care, nail care, state law, state rules and regulations, and any other subjects related to cosmetology and sanitation;

(2) All schools of esthetics shall be required to teach the following courses: theory, skin care, facials, makeup and arching, charm, reception, desk work, art and laboratory, massaging the face or neck, trimming eyebrows, dyeing, waxing, stimulating, cleansing, or beautifying, state law, state rules and regulations, and any other subjects related to esthetics and sanitation; and

(3) All schools of nail care shall be required to teach the following courses: theory, trimming, filing, shaping, decorating, sculpturing and artificial nails, nail care, charm, reception, desk work, art and laboratory, state law, state rules and regulations, and any other subjects related to nail care and sanitation.

(d)(1) The board shall have the right to suspend or revoke the certificate, permit, or license of or to reprimand any such school of cosmetology, school of esthetics, or school of nail care, or instructor or teacher therein, for the violation of this chapter.

(2) The board shall have the same power and authority as to sanitary conditions over schools as it has over beauty shops and beauty salons.

(e)(1) All teachers or instructors shall devote their entire time to instruction of students. Any person desiring to teach or instruct in any school of cosmetology, school of esthetics, or school of nail care shall first file his or her application with the joint-secretary for a license therefor and shall pay an examination fee in such amount as shall be set by the board by regulation. A person desiring to teach at the master level shall satisfy the board that he or she holds a current cosmetology license at the master level and a diploma or certificate of ~~1,500~~ 1,650 credit hours from a board approved school or a program approved by the Department of Technical and Adult Education or Department of Education, is a high school graduate, has 18 months' work experience in a beauty salon, and has one year's instructor training in a registered school of cosmetology or a technical school under the jurisdiction of the Department of Technical and Adult Education or Department of Education. A person holding a current cosmetology license at the master level who has completed the required board approved hours of continuing education and has board approved experience in education shall be permitted to take the examination to become an instructor. A person desiring to teach at the esthetician level shall satisfy the board that he or she holds a current cosmetology license at the esthetician or master level and a diploma or certificate of at least ~~750~~ 1,000 credit hours from a board approved school or a program approved by the Department of Technical and Adult Education or Department of Education, is a high school graduate, has 18 months' work experience in a beauty salon, and has nine months' instructor training in a registered school of esthetics, school of cosmetology, or a technical school under the jurisdiction of the Department of Technical and Adult Education or Department of Education. A person desiring to teach at the manicurist level shall satisfy the board that he or she holds a current cosmetology license at the manicurist or master level and a diploma or certificate of at least ~~320~~ 640 credit hours from a board approved school or a program approved by the Department of Technical and Adult Education or Department of Education, is a high school graduate, has 18 months' work experience in a beauty salon, and has six months' instructor training in a registered school of nail care, school of cosmetology, or a technical school under the jurisdiction of the Department of Technical and Adult Education or Department of Education. Such per-

son shall also pass an examination at the appropriate level of instruction satisfactory to the board and, upon passage thereof, shall receive a license to teach cosmetology at the appropriate level. Any person who has actively engaged in the practice of esthetics or nail care for five years prior to July 1, 1985, shall be able to stand for examination to be licensed to teach at the appropriate level without meeting the credit hour and instructor training requirements, provided that such person holds a current license at the esthetician, manicurist, or master level, is a high school graduate or its equivalent, submits proper application and proof satisfactory to the board, and has paid or pays the required fees prior to November 1, 1985.

(2) Any teacher or instructor shall renew his or her license to teach cosmetology biennially by remitting with his or her application a renewal fee in such amount as shall be set by the board by regulation; provided, however, any teacher or instructor who fails to renew his or her certificate of registration to practice as a cosmetologist on or before the date established by the board by regulation shall automatically have his or her license to teach or instruct revoked. A person failing to renew his or her teacher's license within two years after expiration shall be required to qualify under this chapter for an examination for a teacher's license.

(3) Nothing in this Code section shall be construed as preventing a person from obtaining a certificate of registration as teacher or instructor who is certified by the Department of Education or Department of Technical and Adult Education to teach cosmetology in the state public schools. The certification is limited to those persons who hold a current cosmetology license at the master level and also hold a diploma or certificate of ~~1500~~ 1,650 credit hours from a board approved school and have completed the three-year teachers training program required by the Department of Education or Department of Technical and Adult Education. Such persons shall also pass an examination satisfactory to the board and, upon passage thereof, shall receive a license to teach cosmetology.

(f) All teachers or instructors of cosmetology at all levels seeking renewal of licenses are required to submit to the board proof of completion of ~~ten~~ 15 hours of continuing education in the cosmetology profession approved by the board at least half of which consists of instruction in teaching methods.

43-10-13.

(a) The board shall have the right to set a course of study for all students of the schools of cosmetology, schools of esthetics, and schools of nail care within this state.

(b) Before a student shall be eligible to take the examination provided for in Code Section 43-10-9, he or she shall first file with his or her application for examination a transcript showing the number of hours and courses completed from the school or shop attended by the student.

43-10-14.

Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of cosmetology under a master cosmetologist, provided that such cosmetologist has had at least 36 months' experience and has held a license of a master cosmetologist for at least 36 months. In addition, nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of cosmetology under an instructor in a school of cosmetology who has been a cosmetologist for a period of at least 18 months and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of esthetics under a cosmetologist holding a master cosmetologist certificate or an es-

thetician certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of esthetics who has been a licensed cosmetologist for a period of at least 18 months, is qualified to teach said practices, and has registered under this chapter. Nothing in this chapter shall prohibit any person at least 16 years of age from learning the occupation of nail care or manicuring under a cosmetologist holding a master cosmetologist certificate or a manicurist certificate, provided that such cosmetologist has had at least 36 months' experience, or under an instructor in a school of cosmetology or school of nail care who has been a licensed cosmetologist for a period of at least 18 months, is qualified to teach said practices, and has registered under this chapter. Any person registered as an apprentice under this Code section on June 30, 1997, shall be eligible to continue such apprenticeship under the person from whom that apprentice was learning the occupation of cosmetology, esthetics, or nail care or manicuring at the time of registration notwithstanding that the person under whom the apprentice was learning such occupation does not meet the 36 months' experience otherwise required by this Code section. Every shop owner shall have the responsibility for registering apprentices with the joint-secretary. The shop owner shall file a statement in writing, showing the apprentice's name and the address of the shop. The board shall have the authority to require the shop owner to furnish to the board the number of hours completed by the apprentice. The shop owner shall remit to the joint-secretary a fee in such amount as shall be set by the board by regulation for the registration of the apprentice. The apprentice shall receive a certificate of registration showing the capacity in which he or she is permitted to practice cosmetology. The certificate of registration shall be effective for a period of two years and may be renewed at the end of such period upon the filing of an application on forms furnished by the joint-secretary and the payment of a renewal fee in such amount as shall be set by the board by regulation. A certificate of registration authorizing a person to learn the occupation of cosmetology under a cosmetologist shall not be renewed more than one time; and, upon the expiration of the last certificate of registration issued, such person shall not be permitted to practice in any capacity.

43-10-15.

(a) The board, acting upon its own knowledge or written or verified complaint filed by any person, shall have the power to reprimand or power to suspend, revoke, or cancel the certificate of registration of or refuse to grant, renew, or restore a certificate of registration to a holder of any certificate of registration issued pursuant to this chapter upon proof of any one of the following grounds:

- (1) Willfully committing any false, fraudulent, or deceitful act or using any forged, false, or fraudulent document in connection with any requirement of this chapter or the rules and regulations of the board;
- (2) Willfully failing at any time to comply with the requirements for a certificate of registration under this chapter;
- (3) Practicing cosmetology under a false or assumed name;
- (4) Willfully permitting an unlicensed person to practice, learn, or teach cosmetology;
- (5) Knowingly performing an act which in any way assists an unlicensed person to practice, learn, or teach cosmetology; or
- (6) Violating, directly or indirectly, or assisting in the violation of this chapter or any rule or regulation of the board.

(b) The board may impose a fine not to exceed \$500.00 for each violation of any provision of subsection (a) of this Code section. Such fines shall be listed in a schedule contained in the rules and regulations of the board. The licensee shall pay the fine within 30 days after receiving written notification from either the board or a representative of the board unless the licensee requests in writing a hearing before the board. Such request for a hearing must be received by the board within 30 days after receipt of the written notification from the board. Failure either to pay the fine or request a hearing shall result in immediate suspension of the license pending a hearing to determine whether revocation or other disciplinary action should be imposed on the licensee.

(c) The board, for good cause shown and under such conditions as it may prescribe, may restore a certificate of registration to any person, beauty shop or beauty salon, or school or college of cosmetology whose certificate of registration has been suspended, revoked, or canceled.

(d) Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' shall apply to any proceeding under this Code section.

43-10-16.

The board may bring an action to enjoin any person, firm, or corporation from engaging in the occupation of cosmetology if such person, firm, or corporation, without being licensed or registered to do so by the board, engages in or practices the occupation of cosmetology. The action shall be brought in the county in which such person resides or, in the case of a firm or corporation, where the firm or corporation maintains its principal office; and, unless it appears that such person, firm, or corporation so engaging or practicing cosmetology is licensed or registered, the injunction shall be issued, and such person, firm, or corporation shall be perpetually enjoined from engaging in such activities throughout the state. It shall not be necessary in order to obtain the equitable relief provided in this Code section for the board to allege and prove that there is no adequate remedy at law. It is declared that the unlicensed activities referred to in this Code section are a menace and a nuisance dangerous to the public health, safety, and welfare.

43-10-17.

Notwithstanding any other provision of this chapter, a beauty shop or salon shall be authorized to employ persons to wash and shampoo hair, and such persons shall not be required to be registered by the board.

43-10-18.

(a) Nothing contained in this chapter nor any rule or regulation adopted in implementation hereof shall be construed to prohibit any person from operating a beauty shop within his or her home or residence, provided that such shop meets and complies with all of the provisions of this chapter and the rules and regulations promulgated by the board.

(b) It shall not be necessary for any person operating a beauty shop in a private home to post a sign denoting same to be a beauty shop unless the person elects to do so.

43-10-18.1.

A beauty shop or salon licensed under this chapter shall be authorized to employ a barber licensed under Chapter 7 of this title. A beauty shop or salon employing such a barber shall not be subject to the licensure provisions of Chapter 7 of this title.

43-10-18.2.

Notwithstanding any other provision of this chapter, premises made available for a beauty shop within a facility licensed as a nursing home pursuant to Article 1 of Chapter 7 of Title 31 shall not be required to be licensed or registered as a beauty shop under this chapter, or otherwise be subject to any provisions of this chapter except for inspections, investigations, or both, for alleged violations of this chapter by any person licensed under this chapter, if cosmetologist services in such premises are rendered only to residents of the nursing home.

43-10-18.3.

(a) Notwithstanding any other provision of this chapter, cosmetology services may be performed by a licensed cosmetologist in a client's residence, a nursing home, or a hospital when the client for reasons of ill health, infirmity, or other physical disability is unable to go to the licensed beauty shop or salon for regular cosmetology services.

(b) The board is authorized to adopt reasonable rules and regulations prescribing requirements and conditions for the performance of the services authorized in subsection (a) of this Code section.

43-10-19.

(a) If any person not lawfully entitled to a certificate of registration under this chapter shall practice the occupation of a cosmetologist; or if any such person shall endeavor to learn the trade of a cosmetologist by practicing the same under the instructions of a cosmetologist or other person, other than as provided in this chapter; or if any such person shall instruct or attempt to instruct any person in such trade; or if any proprietor of or person in control of or operating any beauty shop, school of cosmetology, school of esthetics, or school of nail care shall knowingly employ for the purpose of practicing such occupation any cosmetologist not registered under this chapter; or if any person, beauty shop, salon, or school shall engage in any of the acts covered in this chapter though not registered under the provisions of this chapter; or if any person shall falsely or fraudulently pretend to be qualified under this chapter to practice or learn such trade or occupation; or if any person shall violate any provision of the chapter for which a penalty is not specifically provided, he or she shall be guilty of a misdemeanor.

(b) Any person who operates or manages a beauty shop, salon, or school that employs a person who does not possess a license as provided in this chapter shall be guilty of a misdemeanor.

43-10-20.

Repealed."

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

Senators Henson of the 55th, Thomas of the 10th and Starr of the 44th offered the following amendment:

Amend the committee substitute to SB 615 by striking line 38 on page 7 and inserting in lieu thereof the following:

“school instruction or its substantial equivalent or proof of a passing score on an approved ability-to-benefit (ATB) test. If,”

On the adoption of the amendment, the yeas were 36, nays 0, and the Henson, et al. amendment to the committee substitute was adopted.

Senators Starr of the 44th, Thomas of the 10th and Henson of the 55th offered the following amendment:

Amend the committee substitute to SB 615 by deleting on page 1 line 6-7-8 the following: to require certain disease testing and immunization of hairdressers, nail technicians, and cosmetologists; and by deleting on page 5, lines 20 through 24 paragraph (b) and renumbering the sections accordingly.

On the adoption of the amendment, the yeas were 34, nays 4, and the Starr, et al. amendment to the committee substitute was adopted.

Senator Johnson of the 1st offered the following amendment:

Amend the committee substitute to SB 615 by adding on page 5 a new subparagraph on line 25 and renumbering succeeding paragraphs.

“(c) The board is authorized to adopt reasonable rules and regulations requiring that persons licensed under this chapter undergo instruction on Human Immunodeficiency Virus and Acquired Immune Deficiency Syndrome.”

On the adoption of the amendment, the yeas were 41, nays 0, and the Johnson of the 1st amendment to the committee substitute was adopted.

On the adoption of the committee substitute, the yeas were 35, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 53, nays 0.

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

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SB 440. By Senators Glanton of the 34th, Gochenour of the 27th and Johnson of the 1st:

A bill to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide for covenant marriage; to provide for a short title; to provide for definitions; to provide for procedures; to provide for conditions and limitations; to provide for duties and authority of the office of Attorney General; to provide an effective date.

The Senate Special Judiciary Committee offered the following substitute to SB 440:

A BILL

To be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide for covenant marriage; to provide for a short title; to provide for definitions; to provide for procedures; to provide for conditions and limitations; to provide for duties and authority of the office of Attorney General; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, is amended by adding a new article at the end thereof, to be designated Article 4, to read as follows:

“ARTICLE 4

19-3-80.

This article shall be known and may be cited as the ‘Covenant Marriage Act.’

19-3-81.

As used in this article, the term ‘authorized counseling’ means marital counseling provided by a priest, minister, rabbi, clerk of the Society of Friends, any clergy member of any religious sect, a marriage and family therapist licensed under Chapter 10A of Title 43, a clinical social worker or licensed professional counselor, or a psychologist licensed under Chapter 39 of Title 43.

19-3-82.

(a) A covenant marriage is a marriage entered into by one male and one female who understand and agree that the marriage between them is a lifelong relationship. Parties to a covenant marriage have received authorized counseling emphasizing the nature and purposes of marriage and the responsibilities thereto. Only when there has been a complete and total breach of the marital covenant commitment may the non-breaching party seek a declaration that the marriage is no longer legally recognized.

(b) A man and woman may contract a covenant marriage by declaring their intent to do so on their application for a marriage license, as otherwise required under Article 2 of this chapter, and executing a declaration of intent to contract a covenant marriage as provided in Code Section 19-3-83. The application for a marriage license and the declaration of intent shall be filed with the official who issues the marriage license.

19-3-83.

(a) A declaration of intent to contract a covenant marriage shall contain all of the following:

(1) A recitation by the parties to the following effect:

‘A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage. We have received authorized counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Georgia law on covenant marriages and we promise to love, honor, and care for one another as husband and wife for the rest of our lives.’;

(2)(A) An affidavit by the parties that they have received authorized counseling which shall include a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital counseling in times of marital difficulties, and a discussion of the exclusive grounds for legally terminating a covenant marriage by divorce.

(B) A notarized attestation, signed by the counselor and attached to or included in the parties’ affidavit, confirming that the parties received authorized counseling as to the nature and purpose of the marriage and the grounds for termination thereof and an acknowledgment that the counselor provided to the parties the informational pamphlet developed and promulgated by the office of the Attorney General under this article, which pamphlet provides a full explanation of the terms and conditions of a covenant marriage; and

(3)(A) The signature of both parties witnessed by a notary.

(B) If one or both of the parties are minors, the written consent or authorization of those persons required under this chapter to consent to or authorize the marriage of minors.

(b) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which shall be retained by the parties and the other, together with the affidavit and attestation, shall be filed as provided in subsection (b) of Code Section 19-3-82.

19-3-84.

A covenant marriage shall be governed by all of the provisions of this title, except as otherwise specifically provided in this article.

19-3-85.

(a) On or ~~after January 1, 1999~~, married couples with a Georgia marriage license may execute a declaration of intent to designate their marriage as a covenant marriage to be governed by this article.

(b) This declaration of intent in the form and containing the contents required by subsection (c) of this Code section must be presented to the officer who issued the couple's marriage license and with whom the couple's marriage certificate is filed. The officer shall make a notation on the marriage certificate of the declaration of intent of a covenant marriage and attach a copy of the declaration to the certificate.

(c)(1) A declaration of intent to designate a marriage as a covenant marriage shall contain all of the following:

(A) A recitation by the parties to the following effect:

'A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We understand the nature, purpose, and responsibilities of marriage. We have read the Covenant Marriage Act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Georgia law on covenant marriage, and we renew our promise to love, honor, and care for one another as husband and wife for the rest of our lives.'; and

(B)(i) An affidavit by the parties that they have discussed their intent to designate their marriage as a covenant marriage with an authorized counselor, which included a discussion of the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for legally terminating a covenant marriage by divorce.

(ii) A notarized attestation, signed by the counselor and attached to the parties' affidavit, acknowledging that the counselor provided to the parties the information pamphlet developed and promulgated by the office of the Attorney General under this article, which pamphlet provides a full explanation of the terms and conditions of a covenant marriage.

(iii) The signature of both parties witnessed by a notary.

(2) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which shall be retained by the parties and the other, together with the affidavit and attestation, shall be filed as provided in subsection (b) of this Code section.

19-3-86.

(a) Notwithstanding any other law to the contrary and subsequent to the parties obtaining authorized counseling, a spouse to a covenant marriage may obtain a judgment of divorce only upon proof of any of the following:

(1) The other spouse has committed adultery;

(2) The other spouse has committed a felony and has been sentenced to death or imprisonment;

(3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return;

(4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses; or

(5) The spouses have been living separate and apart continuously without reconciliation for a period of one year.

(b) No spouse shall be required to obtain or participate in counseling as a condition of divorce pursuant to the grounds set forth in paragraphs (2) and (4) of subsection (a) of this Code section.

19-3-87.

In any case in which the parties are ineligible for a decree of divorce due to their failure to satisfy the requirements of Code Section 19-3-86, an action shall nonetheless lie for spousal support, child support, child custody, apportionment of debts, and possession of separate and marital property.

19-3-88.

The office of Attorney General shall, prior to January 1, 1999, promulgate an informational pamphlet, entitled 'Covenant Marriage Act,' which shall outline in sufficient detail the consequences of entering into a covenant marriage. The informational pamphlet shall be made available to any counselor who provides authorized counseling as provided for by this article."

SECTION 2.

The provisions of this Act which require the Attorney General to prepare and make available an informational pamphlet relating to covenant marriage shall become effective upon their approval by the Governor or upon their becoming law without such approval. The remaining provisions of this Act shall become effective January 1, 1999.

SECTION 3.

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

Senators Ray of the 48th, Glanton of the 34th and Walker of the 22nd offered the following amendment:

Amend the committee substitute to SB 440 by adding a new sentence on page 5, Line 29 after the term "section.": "Further, upon substantial evidence, any court of competent jurisdiction and venue may order that the requirement of counseling as a condition of divorce not take place when one spouse refuses to participate in counseling in good faith."

Senator Ray of the 48th asked unanimous consent that his amendment be withdrawn. The consent was granted, and the amendment was withdrawn.

On the adoption of the substitute, the yeas were 31, nays 0, and the committee substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Broun, 46th	Y Hooks	Roberts
N Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	N Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
N Fort	Y Marable	Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Oliver	N Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 45, nays 5.

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

The following communication was received by the Secretary:

February 20, 1998

Honorable Frank Eldridge, Jr
Secretary of the Senate
353 State Capitol
Atlanta, GA 30334

Dear Frank:

On Friday, February 20, 1998, I was in a brief meeting with the chairman of the House Insurance Committee, Representative Jimmy Lord, when the vote was taken on SB 440 (covenant marriage).

If I had been available to vote, it would have been yea. Please note your records accordingly.

Thanks.

Sincerely,
/s/ Sam P. Roberts

The following bill was taken up for the purpose of considering House action thereto:

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A resolution proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection.

Senator Perdue of the 18th moved that the Senate adhere to its disagreement to the House substitute and that a Conference Committee be appointed.

On the motion, the yeas were 31, nays 4; the motion prevailed, and the President appointed as a Conference Committee the following Senators: Dean of the 31st, Walker of the 22nd and Perdue of the 18th.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

The Calendar was resumed.

HR 778. By Representatives Scott of the 165th and Hudson of the 156th:

A resolution authorizing the granting of a quitclaim deed, affidavit, or other document evidencing that the state has not accepted title to and has no intent to use certain property in Tift County and granting or affirming title to such property to the Tift County Development Authority.

Senate Sponsor: Senator Bowen of the 13th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
	Broun, 46th	Y	Hooks		Roberts
Y	Brown, 26th	Y	Huggins		Scott
	Brush	EX	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp		Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable		Turner
	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
Y	Gochenour		Perdue(PRS)		

On the adoption of the resolution, the yeas were 46, nays 0.

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

Senator Griffin of the 25th introduced the former Mayor of Milledgeville, Dr. James Baugh, commended by SR 469, adopted previously, who addressed the Senate briefly.

The Calendar was resumed.

HB 1087. By Representative Carter of the 166th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to provide that certain rules and regulations shall be used to establish certain criminal violations; to provide that the Board of Natural Resources is authorized to designate certain waters as trout waters and

to establish seasons and methods of fishing; to repeal Code Section 27-4-52, relating to trout waters without seasons.

Senate Sponsor: Senator Middleton of the 50th.

Senator Middleton of the 50th offered the following amendment:

Amend HB 1087 by deleting line 23 of page 1 and substituting in lieu thereof the following: "October 1, 1998"

On the adoption of the amendment, the yeas were 30, nays 0, and the Middleton amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 47, nays 0.

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

Senator Cheeks of the 23rd moved that Senator Brush of the 24th be excused. On the motion, the yeas were 29, nays 1; the motion prevailed, and Senator Brush was excused.

The Calendar was resumed.

SB 560. By Senators Hooks of the 14th, Starr of the 44th, Scott of the 36th and others:

A bill to amend Code Section 31-22-4 of the Official Code of Georgia Annotated, relating to clinical laboratory examination of human specimens, so as to provide for a quality assurance program.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Blitch	Y Bowen
Y Balfour	Y Boshears	Broun, 46th

Y Brown, 26th	Y Hill	Y Ragan
EX Brush	Y Hooks	Y Ralston
Y Burton	Y Huggins	Y Ray
Y Cagle	EX James	Y Roberts
Y Cheeks	Y Johnson,D	Scott
Y Clay	Y Johnson,E	Y Starr
Y Crotts	Y Kemp	Y Stokes
Y Dean	Y Lamutt	Y Streat
Y Egan	Y Land	Y Tanksley
Y Fort	Y Langford	Y Taylor
Gillis	Y Madden	Y Thomas,D
Y Glanton	Y Marable	Thomas,N
Y Gochenour	Y Middleton	Y Thompson
Y Griffin	Y Oliver	Turner
Y Guhl	Perdue(PRS)	Y Tysinger
Y Harbison	Y Price,R	Walker
Y Henson	Y Price,T	

On the passage of the bill, the yeas were 47, nays 0.

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

HB 1098. By Representative Byrd of the 170th:

A bill to amend Chapter 9 of Title 25 of the Official Code of Georgia Annotated, relating to blasting or excavating near underground gas pipes and utility facilities, so as to change the definition of the term "utility facility".

Senate Sponsor: Senator Thompson of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
EX Brush	EX James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Turner
Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 47, nays 0.

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

At 11:20 A.M., Senator Dean of the 31st moved that the Senate stand in recess until 5:00 P.M., and at that time, pursuant to HR 810, adjourn until 10:00 A.M. Monday, February 23; the motion prevailed.

At 5:00 P.M. the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Monday, February 23, 1998
Twenty-sixth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of Friday, February 20, 1998 proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1254. By Representatives Dobbs of the 92nd, Greene of the 158th, Barfoot of the 155th and others:

A bill to amend Code Section 42-5-50 of the Official Code of Georgia Annotated, relating to the transmittal of information on convicted persons, so as to reduce the number of sentence packages required to be transmitted to the commissioner of corrections.

HB 1467. By Representatives Royal of the 164th, Buck of the 135th, Skipper of the 137th and others:

A bill to amend Code Section 48-8-111 of the Official Code of Georgia Annotated, relating to procedures for the imposition of the special county 1 percent sales and use tax, so as to change the provisions relating to the purposes for which the proceeds of the tax are to be used and may be expended.

HB 1448. By Representative Williams of the 114th:

A bill to amend Code Section 40-9-101 of the Official Code of Georgia Annotated, relating to motor vehicle self-insurers, so as to change certain provisions relating to an exception applicable to taxicab self-insurers located in counties with populations of 400,000 or less.

HB 1578. By Representative Perry of the 11th:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to prohibit driving a motor vehicle off of the premises of an establishment where gasoline offered for retail sale was dispensed into the vehicle unless payment or authorized charge has been made for such gasoline.

HB 1360. By Representatives Powell of the 23rd, Floyd of the 138th and Coleman of the 142nd:

A bill to amend Code Section 16-11-126 of the Official Code of Georgia Annotated, relating to the offense of carrying a concealed weapon, so as to provide that the provisions of said Code section shall not forbid any person who is not among those enumerated as ineligible for a license under Code Section 16-11-129 from transporting a loaded firearm in any private passenger motor vehicle

in an open manner and fully exposed to view or in the glove compartment, console, or similar compartment of the vehicle.

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HB 1450. By Representatives Smith of the 169th, Sims of the 167th, Mosley of the 171st and others:

A bill to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to declare the first week in February of each year as "Home Education Week" in Georgia.

HB 1372. By Representative Polak of the 67th:

A bill to amend Chapter 5 of Title 10 of the Official Code of Georgia Annotated, relating to securities, so as to make certain changes to conform with the federal National Securities Markets Improvements Act of 1996.

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

SB 619. By Senators Johnson of the 1st and Kemp of the 3rd:

A bill to provide a homestead exemption from certain Bryan County school district ad valorem taxes for educational purposes in the amount of \$20,000.00 of the assessed value of the homestead of certain residents of that school district; to provide for definitions; to specify the terms and conditions of the exemption and the procedures relating thereto; to provide for a referendum, effective dates, and automatic repeal.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 1054. By Representative Tolbert of the 25th:

A resolution honoring Lauren "Bubba" McDonald and designating a portion of I-85 in Jackson County as the "Lauren 'Bubba' McDonald Parkway"; designating the Veterans' Memorial Parkway.

HR 1067. By Representative Orrock of the 56th:

A resolution authorizing the lease of certain state owned real property located in Fulton County.

HR 1031. By Representatives Ray of the 128th and Walker of the 141st:

A resolution designating a portion of U.S. Highway 341 as the "George B. Culpepper Highway": and for other purposes.

The House has agreed to the Senate amendment to the following bill of the House:

HB 1189. By Representatives Walker of the 141st, Skipper of the 137th, Royal of the 164th and others:

A bill to amend Article 1 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to general provisions relative to ad valorem taxation of property, so as to provide for the approval and filing of applications for preferential or current use assessment of tangible real property devoted to agricultural use, bona fide conservation use property, and bona fide residential transitional property.

The following bills were introduced, read the first time and referred to committees:

SB 661. By Senator Clay of the 37th:

~~A bill to amend Part 6~~ A bill to amend Part 6 of Article 5 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, the "Metropolitan River Protection Act," so as to define the term "owner" and revise the definitions of the terms "plan" and "water-course"; to make a certain legislative finding; to provide for one or more comprehensive land and water use plans.

Referred to Committee on Natural Resources.

SB 662. By Senator Clay of the 37th:

A bill to amend Article 4 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to physician's assistants, so as to provide for an additional legislative purpose; to change the definition of physician's assistant; to provide that physicians may be physician's assistants.

Referred to Committee on Health and Human Services.

SB 663. By Senator Clay of the 37th:

A bill to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to tax exemptions, so as to provide a homestead exemption in the amount of the full value of the property to certain persons who are 65 years of age or older who have an annual income of \$20,000.00 or less and who live on the property full time; to define a term; to provide qualifications; to provide procedures for obtaining such exemption.

Referred to Committee on Finance and Public Utilities.

SB 664. By Senators Clay of the 37th and Lamutt of the 21st:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, as amended, so as to provide for a change in the compensation of the judges of the Juvenile Court of Cobb County; to provide for related matters; to provide for an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 665. By Senator Langford of the 29th:

A bill to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to change certain provisions relating to group accident and sickness contracts and conversion privilege and continuation right provisions; to change certain provisions relating to the provisions in health insurance policies for coverage of newly born or adopted children.

Referred to Committee on Insurance and Labor.

SB 666. By Senator Price of the 28th:

A bill to amend Code Section 31-3-2 of the Official Code of Georgia Annotated, relating to membership of county boards of health, so as to provide that the county superintendent of schools may designate a person to serve in such superintendent's place as a member of such board.

Referred to Committee on Health and Human Services.

SB 667. By Senator Thomas of the 10th:

A bill to amend Code Section 33-20A-5 of the Official Code of Georgia Annotated, relating to standards for certification of managed care plans, so as to change provisions relating to requirements of the quality assurance program.

Referred to Committee on Insurance and Labor.

SB 668. By Senator James of the 35th:

A bill to amend Chapter 6 of Title 34 of the Official Code of Georgia Annotated, relating to labor organizations and labor relations, so as to authorize public employees to organize into bargaining units and to bargain collectively; to provide for a short title; to define certain terms; to provide for the establishment of the Public Employees Labor Relations Commission.

Referred to Committee on Insurance and Labor.

SB 669. By Senator James of the 35th:

A bill to amend Code Section 16-12-103 of the Official Code of Georgia Annotated, relating to selling, loaning, distributing, or exhibiting materials which are harmful to minors, so as to prohibit the entry of minors onto the premises of certain business establishments which sell sexually explicit materials; to provide a penalty.

Referred to Committee on Consumer Affairs.

SR 661. By Senator Clay of the 37th:

A resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide for the superior courts to exercise concurrent jurisdiction over certain equity cases and cases involving title to land arising in conjunction with cases subject to the exclusive jurisdiction of the probate courts; to provide for related matters; to provide for the submission of this amendment for ratification or rejection.

Referred to Committee on Judiciary.

SR 662. By Senators Clay of the 37th, Lamutt of the 21st and Ralston of the 51st:

A resolution expressing opposition to the lifting of any sanctions against Cuba and urging Congress to oppose any effort to lift or weaken sanctions against Cuba and further urging Congress not to take any other action to support Fidel Castro's communist Cuba.

Referred to Committee on Interstate Cooperation.

The following bills were read the first time and referred to committees:

HB 1254. By Representatives Dobbs of the 92nd, Greene of the 158th, Barfoot of the 155th and others:

A bill to amend Code Section 42-5-50 of the Official Code of Georgia Annotated, relating to the transmittal of information on convicted persons, so as to reduce the number of sentence packages required to be transmitted to the commissioner of corrections.

Referred to Committee on Corrections, Correctional Institutions & Property.

HB 1360. By Representatives Powell of the 23rd, Floyd of the 138th and Coleman of the 142nd:

A bill to amend Code Section 16-11-126 of the Official Code of Georgia Annotated, relating to the offense of carrying a concealed weapon, so as to provide that the provisions of said Code section shall not forbid any person who is not among those enumerated as ineligible for a license under Code Section 16-11-129 from transporting a loaded firearm in any private passenger motor vehicle in an open manner and fully exposed to view or in the glove compartment, console, or similar compartment of the vehicle.

Referred to Committee on Special Judiciary.

HB 1372. By Representative Polak of the 67th:

A bill to amend Chapter 5 of Title 10 of the Official Code of Georgia Annotated, relating to securities, so as to make certain changes to conform with the federal National Securities Markets Improvements Act of 1996.

Referred to Committee on Banking and Financial Institutions.

HB 1448. By Representative Williams of the 114th:

A bill to amend Code Section 40-9-101 of the Official Code of Georgia Annotated, relating to motor vehicle self-insurers, so as to change certain provisions relating to an exception applicable to taxicab self-insurers located in counties with populations of 400,000 or less.

Referred to Committee on Insurance and Labor.

HB 1450. By Representatives Smith of the 169th, Sims of the 167th, Mosley of the 171st and others:

A bill to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to declare the first week in February of each year as "Home Education Week" in Georgia.

Referred to Committee on Rules.

HB 1467. By Representatives Royal of the 164th, Buck of the 135th, Skipper of the 137th and Polak of the 67th:

A bill to amend Code Section 48-8-111 of the Official Code of Georgia Annotated, relating to procedures for the imposition of the special county 1 percent sales and use tax, so as to change the provisions relating to the purposes for which the proceeds of the tax are to be used and may be expended.

Referred to Committee on Finance and Public Utilities.

HB 1578. By Representative Perry of the 11th:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to prohibit driving a motor vehicle off of the premises of an establishment where gasoline offered for retail sale was dispensed into the vehicle unless payment or authorized charge has been made for such gasoline.

Referred to Committee on Judiciary.

HR 1031. By Representatives Ray of the 128th and Walker of the 141st:

A resolution designating a portion of U.S. Highway 341 as the "George B. Culpepper Highway": and for other purposes.

Referred to Committee on Transportation.

HR 1054. By Representative Tolbert of the 25th:

A resolution honoring Lauren "Bubba" McDonald and designating a portion of I-85 in Jackson County as the "Lauren 'Bubba' McDonald Parkway"; designating the Veterans' Memorial Parkway.

Referred to Committee on Transportation.

HR 1067. By Representative Orrock of the 56th:

A resolution authorizing the lease of certain state owned real property located in Fulton County.

Referred to Committee on Finance and Public Utilities.

The following committee report was read by the Secretary:

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 543. Do pass by substitute. HB 1387. Do pass by substitute.
 SB 599. Do pass by substitute.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

The following bills and resolutions were read the second time:

SB 529	SB 575	SB 604	SB 608	SB 616	SR 586
SR 627	SR 635	HB 812	HB 1101	HB 1219	HB 1266
HB 1365	HB 1368	HB 1520	HB 1535	HR 825	HR 935

Senator Marable of the 52nd moved that Senator Henson of the 55th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Henson was excused.

The President called for the morning roll call, and the following Senators answered to their names:

Abernathy	Gochenour	Perdue
Balfour	Griffin	Price,R
Blitch	Guhl	Price,T
Boshears	Harbison	Ragan
Bowen	Hill	Ralston
Broun, 46th	Hooks	Ray
Brown, 26th	Huggins	Roberts
Brush	James	Starr
Burton	Johnson,D	Stokes
Cagle	Johnson,E	Streat
Cheeks	Kemp	Tanksley
Clay	Lamutt	Taylor
Crotts	Land	Thomas,D
Dean	Langford	Thomas,N
Egan	Madden	Turner
Fort	Marable	Tysinger
Gillis	Middleton	
Glanton	Oliver	

Those not answering were:

Henson (~~excused~~) Thompson
 Scott Walker

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Price of the 28th introduced the chaplain of the day, Pastor John M. Weber, of Christ the Shepherd Lutheran Church, Peachtree City, Georgia, who offered scripture reading and prayer.

Senator Gillis of the 20th assumed the Chair.

Senator Clay of the 37th introduced Congressman Bob Barr of the 7th District, who addressed the Senate briefly.

Senator Gochenour of the 27th introduced Speaker Daniel Webster of Florida, the first Republican Speaker of the Florida House in 122 years. Speaker Webster addressed the Senate briefly.

The President resumed the Chair.

Senator Turner of the 8th introduced the Thomas County High School Football Team, commended by SR 607, adopted previously. Coach Ed Pilcher addressed the Senate briefly.

The President and Senator Hill of the 4th introduced Mrs. Lalah Kennedy, widow of the late Senator Joe Kennedy, memorialized in SR 641, adopted previously. Mrs. Kennedy addressed the Senate briefly.

Senator Johnson of the 1st introduced Congressman Jack Kingston of the 1st District, who addressed the Senate briefly.

The following resolution was read and adopted:

SR 663. By Senators Harbison of the 15th and Land of the 16th:

A resolution recognizing February 26, 1998, as Columbus Day at the State Capitol.

SENATE RULES CALENDAR

Monday, February 23, 1998
 TWENTY-SIXTH LEGISLATIVE DAY

HB 88	Superior Court Judges Retirement; certain members; benefit increase (Substitute)(Ret-5th) Buck-135th
HB 395	Civil practice; request for certain health records; notify nonparty (Judy-42nd) Ashe-46th
HB 1337	Building permits; content; display (Substitute)(ST&I-27th) Stancil-91st
SB 644	Senate Districts 3 and 6-description (Reappor-6th)
HB 1502	House of Representatives; reapportion districts 156, 157, 165, 166, 172, 173, 174 (Reappor-7th) DeLoach-172nd
SB 128	Firemen's Pension Fund-eligibility (Sub-Teachers' Retirement) (Substitute)(Ret-31st)

- SR 588 ~ Bobby Eugene Parham Food Service Facility at Central State Hospital-designate (Rules-25th)
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- HB 1270 Fire departments; requirements; certain council establish (Pub Saf-17th) Twiggs-8th
- HB 844 Borrow pits; not regulated as surface mines (Nat R-20th) Floyd-138th
- SB 538 Motor Vehicles-liability insurance (Substitute)(I&L-41st)
- HR 843 Tomato Spotted Wilt Virus; urge federal government to increase funds (Ag-11th) Reaves-178th
- HB 1306 Receiving stolen property; firearm possession; trial upon accusation (Judy-42nd) Polak-67th
- HB 1406 Judicial sales; real property; legal ad include description (S Judy-48th) Crawford-129th
- HR 842 Red imported fire ant; urge federal government to increase funds to eradicate (Ag-19th) Reaves-178th

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

The following general bills were read the third time and put upon their passage:

- HB 88. By Representatives Buck of the 135th, Barnes of the 33rd, Lee of the 94th and others:

A bill to amend Code Section 47-9-70 of the Official Code of Georgia Annotated, relating to retirement and eligibility for benefits under the Superior Court Judges Retirement System and related matters, so as to provide that members of such retirement system who were retired on July 1, 1996, with more than 16 years of creditable service shall receive a benefit increase for each year of service over 16 years.

Senate Sponsor: Senator Burton of the 5th.

The Senate Committee on Retirement offered the following substitute to HB 88:

A BILL

To be entitled an Act to amend Code Section 47-9-70 of the Official Code of Georgia Annotated, relating to retirement and eligibility for benefits under the Superior Court Judges Retirement System and related matters, so as to provide that members of such retirement system who were retired on July 1, 1996, with more than 16 years of creditable service shall receive a benefit increase for each year of service over 16 years; to provide for an initial benefit increase; to provide conditions for the amendment of a certain Act; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-9-70 of the Official Code of Georgia Annotated, relating to retirement and eligibility for benefits under the Superior Court Judges Retirement System and related matters, is amended by striking in its entirety subsection (b) and inserting in lieu thereof the following:

“(b) The right of a member to receive benefits under this chapter shall vest after the member obtains ten years of creditable service; provided, however, that no member shall receive a retirement benefit prior to attaining the age of 60 years. ★ Any member retiring on or after July 1, 1996, and any member who was retired on July 1, 1996, with 16 years or more of creditable service shall receive a benefit equal to 66.66 percent, plus 1 percent for each year of creditable service over 16 years, of the state salary paid to superior court judges at the time of retirement; provided, however, that no member shall receive more than 24 years of creditable service. ★ Any member retiring with less than 16 years of creditable service may retire at a reduced benefit pursuant to Code Section 47-9-71. Any member who was retired on July 1, 1996, with more than 16 years of creditable service shall receive in July, 1998, a one-time benefit payment equal to two times the product of 1 percent of the salary paid to such judge at the time of his or her retirement multiplied by the number of years of creditable service in excess of 16 years.”

SECTION 2.

If that legislation creating the Georgia Judicial Retirement System, designated as 1997 House Bill 751, is enacted and becomes law, this Act shall amend Code Section 47-23-102 of the Official Code of Georgia Annotated created by such Act.

SECTION 3.

This Act shall become effective on July 1, 1998, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the “Public Retirement Systems Standards Law”; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 1998, as required by subsection (a) of Code Section 47-20-50.

SECTION 4.

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

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Clay	EX	Henson
Y	Balfour	Y	Crotts	Y	Hill
Y	Blitch	Y	Dean	Y	Hooks
Y	Boshears		Egan	Y	Huggins
Y	Bowen	Y	Fort	Y	James
Y	Broun, 46th	Y	Gillis	Y	Johnson,D
Y	Brown, 26th	Y	Glanton		Johnson,E
Y	Brush	Y	Gochenour	Y	Kemp
Y	Burton	Y	Griffin	Y	Lamutt
Y	Cagle	Y	Guhl	Y	Land
Y	Cheeks	Y	Harbison	Y	Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	Y Ray	Y Thomas,D
Y Middleton	Y Roberts	Y Thomas,N
Oliver	Scott	Y Thompson
Y Perdue	Y Starr	Y Turner
Y Price,R	Y Stokes	Y Tysinger
Y Price,T	Y Streat	Y Walker
Y Ragan	Y Tanksley	

On the passage of the bill, the yeas were 50, nays 0.

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

Senator Boshears of the 6th introduced the doctor of the day, Dr. Diane Campbell of Jesup, Georgia.

The Calendar was resumed.

HB 395. By Representative Ashe of the 46th:

A bill to amend Code Section 9-11-34 of the Official Code of Georgia Annotated, relating to the production of documents and things under the "Georgia Civil Practice Act," so as to require notice to a person who is a nonparty when records relating to such a person are sought from a nonparty practitioner of the healing arts, hospital, or health care facility.

Senate Sponsor: Senator Oliver of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	EX Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 50, nays 0.

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

HB 1337. By Representative Stancil of the 91st:

A bill to amend Code Section 8-2-26 of the Official Code of Georgia Annotated, relating to the enforcement of state minimum standard building codes, so as to change the provisions relating to the requirement that certain information be printed on county and municipal building permits.

Senate Sponsor: Senator Gochenour of the 27th.

The Senate Committee on Science, Technology and Industry offered the following substitute to HB 1337:

A BILL

To be entitled an Act to amend Code Section 8-2-26 of the Official Code of Georgia Annotated, relating to the enforcement of state minimum standard building codes, so as to change the provisions relating to the requirement that certain information be printed on county and municipal building permits; to provide that certain information shall be printed on county and municipal construction permits; to provide that any person or entity which is issued a permit which authorizes improvements to new or existing residential or commercial real property shall be required to post a copy of such permit in a conspicuous place in the vicinity of such property where such improvements are being undertaken or deliver a copy of the permit to the property owner within ten days after the permit is received; to amend Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to financial affairs of the General Assembly, so as to provide for issuance of a housing affordability impact note for any legislation or rule that affects the cost of constructing a residential unit of housing; to provide for contents and requirements for such housing affordability impact notes; to provide for applicability; to provide for comments and testimony; to provide for related matters; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 8-2-26 of the Official Code of Georgia Annotated, relating to the enforcement of state minimum standard building codes, is amended by striking subsection (e) in its entirety and inserting in lieu thereof a new subsection (e) to read as follows:

“(e)(1) Any county or municipal building permit issued in this state to a general contractor or homebuilder for residential or commercial construction shall have prominently printed thereon at least one inch apart from any other text on such permit and in type size and boldness equal to or greater than any other type size and boldness in the body of the permit the following:

‘The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics’ and materialmen’s liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer’s guide to the lien laws which may be available at building supply home centers.’

(1)(2) Any county or municipal building construction permit, including but not limited to mechanical, plumbing, or electrical permits, issued in this state on existing residential or commercial property shall have prominently printed thereon at least one inch apart from any other text on such permit and in type size and boldness

equal to or greater than any other type size and boldness ~~on~~ in the body of the permit the following:

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 'The issuance of this permit authorizes improvements of the real property designated herein which improvements may subject such property to mechanics' and materialmen's liens pursuant to Part 3 of Article 8 of Chapter 14 of Title 44 of the Official Code of Georgia Annotated. In order to protect any interest in such property and to avoid encumbrances thereon, the owner or any person with an interest in such property should consider contacting an attorney or purchasing a consumer's guide to the lien laws which may be available at building supply home centers.'

~~(2)(3) Any person who or entity which is issued a permit which authorizes improvements to a tract of real property which is being used or will be used for new or existing residential purposes or commercial real property shall be required to:~~

~~(A) Post ~~post~~ a copy of such permit in a conspicuous place in the vicinity of such property where such improvements are being undertaken; or~~

~~(B) Deliver a copy of the permit to the property owner within ten days after the permit is received."~~

SECTION 2.

Chapter 5 of Title 28 of the Official Code of Georgia Annotated, relating to financial affairs of the General Assembly, is amended by adding at the end of said chapter a new Article 6 to read as follows:

"ARTICLE 6

28-5-140.

This article shall be known and may be cited as the 'Housing Affordability Impact Note Act.'

28-5-141.

(a) The sponsor of any bill, except a bill making a direct appropriation, the purpose or effect of which is to directly increase or decrease the cost of constructing a residential unit, shall request a brief explanatory statement or note that shall include a reliable estimate of the anticipated impact of such bill.

(b) Every proposed rule of an agency, the purpose or affect of which is to directly increase or decrease the cost of constructing, purchasing, owning, or selling a residential unit of housing shall have prepared for it, before submission of such rule to the appropriate standing committees of the House of Representatives and the Senate, a brief explanatory statement or note that shall include a reliable estimate of the anticipated impact of such rule. As used in this article, the terms 'agency' and 'rule' shall have the same meanings as in Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

(c) The statements or notes required by this Code section shall be known as housing affordability impact notes.

28-5-142.

The sponsor of each bill, or the agency proposing a rule, to which Code Section 28-5-141 applies shall present a copy of the bill or proposed rule with the request for a housing affordability impact note to the state auditor. The housing affordability impact note shall be prepared by the state auditor and shall be submitted to the sponsor of the bill or the agency proposing a rule within 20 calendar days. If, in the opinion of

the state auditor, there is insufficient information to prepare a reliable estimate of the anticipated impact, a statement to that effect can be filed and shall meet the requirements of this article.

28-5-143.

Whenever the sponsor of any bill is of the opinion that no housing affordability impact note is required, the Speaker of the House of Representatives or the President of the Senate may request that a note be obtained, and in that event the applicability of this article shall be decided by the majority of those present and voting in that body of which the sponsor is a member.

28-5-144.

The housing affordability impact note shall be factual in nature, as brief and concise as possible, and shall provide a reliable estimate in dollars, and, in addition, shall include both the immediate effect and, if determinable or reasonably foreseeable, the long-range effect of the measure. A housing affordability impact note shall be prepared on the basis of a single residential unit of housing. If, after careful investigation, it is determined that no dollar estimate is possible, the note shall contain a statement to that effect, setting forth the reasons why no dollar estimate can be given. A brief summary or work sheet of computations used in arriving at housing affordability impact note figures shall be included with such note.

28-5-145.

No comment or opinion shall be included in the housing affordability impact note with regard to the merits of the measure for which the housing affordability impact note is prepared; however, technical or mechanical defects may be noted.

28-5-146.

Whenever any committee of either the House of Representatives or the Senate reports any bill with an amendment that will substantially affect the figures stated in the housing affordability impact note attached to the measure at the time of its referral to the committee, there shall be included with the report of the committee a statement of the effect of the change proposed by the amendment reported if desired by a majority of the committee."

SECTION 3.

Section 1 of this Act shall become effective on January 1, 1999, except that no county or municipality shall be required to implement the requirements of this Act until such time as the county or municipality has consumed all building permit forms on hand as of January 1, 1999. The remaining sections of this Act shall become effective July 1, 1998.

SECTION 4.

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

Senators Gochenour of the 27th and Brush of the 24th offered the following amendment:

Amend the committee substitute to HB 1337 by adding after the word "auditor" on page 3 line 36 "in conjunction with the Housing Research Center at the University of Georgia"

On the adoption of the amendment, the yeas were 39, nays 0, and the Gochenour, Brush amendment was adopted.

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	EX Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Egan	Y Madden	Y Thompson
N Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 46, nays 1.

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

SB 644. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated, relating to apportionment and qualifications for the Senate, so as to provide for the description of Senate districts 3 and 6; to provide for related matters; to provide for effective dates and for applicability.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Crotts	Y Hooks
Balfour	Y Dean	Y Huggins
Y Blitch	Y Egan	Y James
Y Boshears	Y Fort	Johnson,D
Y Bowen	Y Gillis	Y Johnson,E
Y Broun, 46th	Y Glanton	Y Kemp
Y Brown, 26th	Y Gochenour	Y Lamutt
Y Brush	Y Griffin	Y Land
Y Burton	Y Guhl	Y Langford
Y Cagle	Y Harbison	Y Madden
N Cheeks	EX Henson	Y Marable
Y Clay	Y Hill	Middleton

Y Oliver	Y Roberts	Y Thomas,D
Y Perdue	Y Scott	Y Thomas,N
Y Price,R	Y Starr	Y Thompson
Y Price,T	Y Stokes	Y Turner
Y Ragan	Y Streat	Y Tysinger
Y Ralston	Y Tanksley	Y Walker
Y Ray	Y Taylor	

On the passage of the bill, the yeas were 50, nays 1.

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

Senator Kemp of the 3rd moved that SB 644 be immediately transmitted to the House.

On the motion, the yeas were 38, nays 0; the motion prevailed, and SB 644 was immediately transmitted.

At 12:04 P.M. the President announced that the Senate would stand in recess until 1:30 P.M.

The President called the Senate to order at 1:30 P.M.

Senator Brown of the 26th moved that Senator Taylor of the 12th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Taylor was excused.

Senator Gillis of the 20th moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 30, nays 1; the motion prevailed, and Senator Middleton was excused.

Senator Gillis of the 20th moved that Senator Madden of the 47th be excused. On the motion, the yeas were 30, nays 1; the motion prevailed, and Senator Madden was excused.

Senator Gillis of the 20th moved that Senator Harbison of the 15th be excused. On the motion, the yeas were 30, nays 1; the motion prevailed, and Senator Harbison was excused.

Senator Gillis of the 20th moved that Senator Streat of the 19th be excused. On the motion, the yeas were 31, nays 1; the motion prevailed, and Senator Streat was excused.

The Calendar was resumed.

HB 1502. By Representatives DeLoach of the 172nd and Tillman of the 173rd:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated relating to apportionment of the House of Representatives and qualifications of its members, so as to change the composition of certain House districts.

Senate Sponsor: Senator Blitch of the 7th.

Senator Blitch of the 7th asked unanimous consent that HB 1502 be dropped to the bottom of the Calendar. The consent was granted.

SB 128. By Senators Dean of the 31st and Marable of the 52nd:

A bill to amend Code Section 47-7-1 of the Official Code of Georgia Annotated, relating to definitions relative to the Georgia Firemen's Pension Fund, so as to expand the scope of fire fighters eligible to become members of the fund; to provide conditions for an effective date and automatic repeal.

The Senate Committee on Retirement offered the following substitute to SB 128:

A BILL

To be entitled an Act to amend Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, so as to provide for creditable service for accumulated sick leave; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, is amended by inserting at the end thereof the following:

“47-3-92.

(a) For purposes of this Code section, the maximum amount of sick leave which may be accumulated in one year shall be one and one-fourth days per month of actual service. In the event any employer authorizes sick leave in excess of such amount, any such leave used in any year shall be deducted from the maximum amount of leave authorized for that year by this Code section. Nothing in this Code section shall require any employer to grant any certain amount of sick leave.

(b) Accumulated days of sick leave accrued on or after July 1, 1998, for which a member has not been paid shall constitute creditable service. Such creditable service may be used to qualify for retirement but may not be used to qualify for vesting for benefits. The member shall be given one month of creditable service for each 20 days of sick leave. Upon retirement of a member, the employer shall certify to the board of trustees the total amount of that member's sick leave based on leave records. It shall be the duty of each employer to maintain accurate records reflecting sick leave used and accumulated by each employee and to keep such records for at least five years after a teacher's retirement date.

(c) The board of trustees may adopt rules and regulations, not inconsistent with the provisions of this Code section, to aid in administering and carrying out the provisions of this Code section.

(d) The creditable service provided by this Code section shall be available only to persons who retire on or after July 1, 1998.”

SECTION 2.

This Act shall become effective on July 1, 1998, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the “Public Retirement Systems Standards Law”; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 1998, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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

On the adoption of the substitute, the yeas were 29, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	EX Harbison	Y Ragan
Y Boshears	Y Henson	Ralston
Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
Cagle	Johnson,E	EX Streat
Y Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	EX Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	EX Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 42, nays 0.

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

Senator Kemp of the 3rd moved that Senator Johnson of the 2nd be excused. On the motion, the yeas were 31, nays 1; the motion prevailed, and Senator Johnson was excused.

The Calendar was resumed.

SR 588. By Senator Griffin of the 25th:

A resolution designating the Bobby Eugene Parham Food Service Facility at Central State Hospital.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Fort	Y Lamutt
Y Balfour	Y Gillis	Y Land
Y Blitch	Y Glanton	Langford
Y Boshears	Y Gochenour	EX Madden
Y Bowen	Y Griffin	Y Marable
Y Broun, 46th	Y Guhl	EX Middleton
Y Brown, 26th	EX Harbison	Y Oliver
Brush	Y Henson	Perdue
Y Burton	Y Hill	Y Price,R
Y Cagle	Y Hooks	Y Price,T
Y Cheeks	Y Huggins	Y Ragan
Y Clay	Y James	Y Ralston
Y Crotts	EX Johnson,D	Y Ray
Y Dean	Y Johnson,E	Y Roberts
Y Egan	Y Kemp	Y Scott

Y Starr	EX Taylor	Y Turner
Y Stokes	Y Thomas,D	Y Tysinger
EX Streat	Thomas,N	Walker
Y Tanksley	Y Thompson	

On the adoption of the resolution, the yeas were 45, nays 0.

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

HB 1270. By Representatives Twiggs of the 8th, Poag of the 6th, Johnston of the 81st and others:

A bill to amend Article 2 of Chapter 3 of Title 25 of the Official Code of Georgia Annotated, relating to minimum requirements for local fire departments, so as to change the provisions relating to notification that an organization meets requirements to function as a fire department.

Senate Sponsor: Senator Crotts of the 17th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	EX Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	EX Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	EX Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	EX Taylor
Y Crotts	Y Land	Y Thomas,D
Dean	Y Langford	Thomas,N
Y Egan	EX Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 46, nays 0.

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

HB 844. By Representative Floyd of the 138th:

A bill to amend Code Section 12-4-72, relating to definitions relative to the "Georgia Surface Mining Act of 1968," so as to provide that certain borrow pits shall not be regulated as surface mines.

Senate Sponsor: Senator Gillis of the 20th.

Senator Marable of the 52nd offered the following substitute to HB 844:

A BILL

To be ~~entitled an Act to amend~~ Chapter 4 of Title 12 of the Official Code of Georgia Annotated, relating to mineral resources and caves, so as to prohibit the commencement of certain rock quarry operations under certain circumstances; to provide that certain borrow pits shall not be regulated as surface mines; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 4 of Title 12 of the Official Code of Georgia Annotated, relating to mineral resources and caves, is amended by adding a new Code section immediately following Code Section 12-4-1, to be designated Code Section 12-4-2, to read as follows:

“12-4-2.

Any other provision of law to the contrary notwithstanding, if the director of the Environmental Protection Division of the Department of Natural Resources determines through scientific analysis that such a quarry location might have significant impact on the water system, no person may commence the operation of a limestone or dolostone rock quarry located in the Ridge and Valley Province as defined by the Physiographic Map of Georgia, W. Z. Clark and A. C. Zisa, 1976, and within eight miles of any well or spring accessing an underground source of water which provides water to any county or municipality in an amount of at least 50 percent of such county's or municipality's water supply or two million gallons per day, whichever is less.”

SECTION 2.

Said chapter is further amended by adding a new paragraph immediately following paragraph (1) of Code Section 12-4-72, relating to definitions relative to the “Georgia Surface Mining Act of 1968,” to be designated paragraph (1.1), to read as follows:

“(1.1) ‘Borrow pit’ means an excavated area where naturally occurring earthen materials are to be removed for use as ordinary fill at another location.”

SECTION 3.

Said chapter is further amended by striking in its entirety paragraph (15) of Code Section 12-4-72, relating to definitions relative to the “Georgia Surface Mining Act of 1968,” and inserting in lieu thereof the following:

“(15) ‘Surface mining’ means any activity constituting all or part of a process for the removal of minerals, ores, and other solid matter for sale or for processing or for consumption in the regular operation of a business. Tunnels, shafts, borrow pits of less than 1.1 disturbed acres, and dimension stone quarries shall not be considered to be surface mining.”

SECTION 4.

(a) Except as provided in subsection (b) of this section, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

(b) Sections 2 and 3 of this Act shall become effective on July 1, 1998.

SECTION 5.

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

On the adoption of the substitute, the President ordered a roll call, and the vote was as follows:

Y	Abernathy	Griffin	N	Price,R	
N	Balfour	N	Guhl	N	Price,T
N	Blitch	EX	Harbison	N	Ragan
Y	Boshears	Y	Henson	Y	Ralston
N	Bowen		Hill	N	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	Y	Huggins	N	Scott
N	Brush	Y	James	N	Starr
N	Burton	EX	Johnson,D	N	Stokes
N	Cagle	N	Johnson,E	EX	Streat
N	Cheeks	Y	Kemp	N	Tanksley
Y	Clay	Y	Lamutt	EX	Taylor
N	Crotts	N	Land	N	Thomas,D
Y	Dean	Y	Langford	N	Thomas,N
N	Egan	EX	Madden	Y	Thompson
Y	Fort	Y	Marable	N	Turner
N	Gillis	EX	Middleton	N	Tysinger
N	Glanton	Y	Oliver	N	Walker
N	Gochenour		Perdue		

On the adoption of the substitute, the yeas were 16, nays 31, and the Marable substitute was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Griffin	Y	Price,R	
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	EX	Harbison		Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen		Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	EX	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	EX	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
	Clay	Y	Lamutt	EX	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
	Egan	EX	Madden	Y	Thompson
Y	Fort	N	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue		

On the passage of the bill, the yeas were 41, nays 2.

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

Senator Marable of the 52nd gave notice that at the proper time, he would move that the Senate reconsider its action on HB 844.

SB 538. By Senator Tysinger of the 41st:

A bill to amend Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle accident reparations, so as to prohibit registration or maintenance of registration of certain motor vehicles not having required liability insurance; to provide for requests for information regarding required motor vehicle liability insurance and verification of responses using random sampling.

The Senate Committee on Insurance and Labor offered the following substitute to SB 538:

A BILL

To be entitled an Act to amend Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle accident reparations, so as to prohibit registration or maintenance of registration of certain motor vehicles not having required liability insurance; to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to provide for submission of proof of required motor vehicle liability insurance as part of an application for motor vehicle registration; to provide for furnishing of information from motor vehicle registration records to the Department of Public Safety for certain purposes; to provide for suspension and subsequent reinstatement of registration of motor vehicles which were registered or for which registration was maintained without required liability insurance; to provide for penalties for submission of false proof of insurance; to provide for administrative hearings; to provide punishment for operating a motor vehicle while its registration is under suspension; to provide for seizure of license plates of motor vehicles for which registration has been suspended; to provide for requests for information regarding required motor vehicle liability insurance and verification of responses using random sampling; to provide for notice of motor vehicle registration suspensions in certain cases; to provide for allocation of reinstatement fees; to provide for automatic repeal of certain provisions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 34 of Title 33 of the Official Code of Georgia Annotated, relating to motor vehicle accident reparations, is amended by striking Code Section 33-34-4, relating to the requirement that a motor vehicle owner provide insurance coverage, and inserting in lieu thereof the following:

“33-34-4.

No owner of a motor vehicle required to be registered in this state or any other person, other than a self-insurer as defined in this chapter, shall register, maintain registration of, operate, or authorize any other person to operate the motor vehicle unless the owner has motor vehicle liability insurance equivalent to that required as evidence of security for bodily injury and property damage liability under Chapter 9 of Title 40, the ‘Motor Vehicle Safety Responsibility Act.’”

SECTION 2.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by striking subsection (b) of Code Section 40-2-26, relating to form and contents of application for motor vehicle registration, and inserting in lieu thereof the following:

“(b) Application shall be made by the owner of the vehicle upon blanks prepared by the department for such purposes. The application shall contain a statement of the

name, place of residence, and address of the applicant; a brief description of the vehicle to be registered, including its name and model, the name of the manufacturer, the manufacturer's vehicle identification number, and its shipping weight and carrying capacity; from whom, where, and when the vehicle was purchased; the total amount of all liens, if any, thereon, with the name and address of the lienholder; proof of required motor vehicle liability insurance coverage; and such other information as the department may require."

SECTION 3.

Said title is further amended by adding to Code Section 40-2-130, relating to records and certificates of registration, a new subsection (c.1) to read as follows:

"(c.1) The commissioner shall furnish from all motor vehicle registration records which the commissioner is required to maintain under this Code section such information to the Department of Public Safety as necessary for purposes of the Department of Public Safety's sampling and verification of proof of required motor vehicle insurance as provided by Code Section 40-9-37.1."

SECTION 4.

Said title is further amended by adding new Code Sections 40-2-137, 40-2-138, 40-2-139, 40-2-140, 40-2-141, and 40-2-142 to read as follows:

"40-2-137.

(a) The State of Georgia considers uninsured motor vehicles to be a direct and immediate threat to the welfare of the general public, and it is in the best interests of the citizens of Georgia immediately to remove such vehicles from the public roads of this state. Therefore, the department shall without a preliminary hearing suspend the vehicle registration of any motor vehicle determined by the Department of Public Safety to be in violation of Code Section 33-34-4, including any motor vehicle operated in violation of Code Section 33-34-4 by an operator other than the owner of the vehicle. Neither the fact that, subsequent to the date of verification or conviction, the owner acquired the required liability insurance policy nor the fact that the owner terminated ownership of the motor vehicle shall have any bearing upon the department's decision to suspend.

(b) The department is authorized to suspend without a preliminary hearing the registration of any motor vehicle registered in this state upon receiving notice of the conviction of the operator of the motor vehicle in another state of an offense which, if committed in this state, would constitute a violation of Code Section 40-6-10.

(c)(1) Until it is terminated, the suspension shall remain in force after the registration is renewed or a new registration is acquired for the motor vehicle. The suspension also shall apply to any motor vehicle which the owner subsequently acquires.

(2) In the case of a first violation, the department shall terminate the suspension upon payment by the owner of a reinstatement fee of \$100.00 and submission of proof of insurance as prescribed by the Department of Public Safety.

(3) In the case of a second or subsequent violation, the department shall terminate the suspension four months after its effective date upon payment by the owner of a reinstatement fee of \$100.00 and submission of proof of insurance as prescribed by the Department of Public Safety.

40-2-138.

The State of Georgia considers motor vehicles falsely represented as being insured to be a direct and immediate threat to the welfare of the general public, and it is in the best interests of the citizens of Georgia immediately to remove such vehicles from the public roads of this state. Therefore, if the Department of Public Safety determines that the proof of insurance submitted by a motor vehicle owner under Code Section 40-9-37.1 is false, the department shall without a preliminary hearing suspend the owner's vehicle registration. The department shall terminate the suspension six months after its effective date upon payment by the owner of a reinstatement fee of \$200.00 and submission of proof of insurance as prescribed by the Department of Public Safety.

40-2-139.

Any person aggrieved by a decision of the department pursuant to Code Section 40-2-137 or 40-2-138 may make a request in writing to the Office of State Administrative Hearings for a hearing. Such hearing shall follow the procedures required by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

40-2-140.

Any person operating on a public road a motor vehicle while the registration thereof is under suspension as provided by Code Section 40-2-137 or 40-2-138 shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of \$1,000.00.

40-2-141.

Any state or county law enforcement officer or any special agent or enforcement officer appointed under Code Section 40-2-134 may, upon direction or request of the department, go upon public or private property to seize a license plate or renewal decal issued to a person whose motor vehicle registration has been suspended as provided by Code Section 40-2-137 or 40-2-138.

40-2-142.

(a) One dollar of each reinstatement fee paid under Code Section 40-2-137 or 40-2-138 shall be remitted to the county tag agent of the county wherein the vehicle is registered to be expended thereby for technology and equipment for such agent's office.

(b) One dollar of each reinstatement fee paid under Code Section 40-2-137 or 40-2-138 shall be remitted to the Department of Public Safety to be expended thereby for technology and equipment for the Department of Public Safety."

SECTION 5.

Said title is further amended by adding new Code Sections 40-9-37.1, 40-9-37.2, and 40-9-37.3 to read as follows:

"40-9-37.1.

(a) The department may select random samples of registrations of motor vehicles subject to Code Section 33-34-4, or owners thereof, for the purpose of verifying whether or not the motor vehicles are insured. In addition to such general random samples of motor vehicle registrations, the department may select for verification other random samples, including but not limited to registrations of motor vehicles owned by persons:

(1) Whose motor vehicle registrations during the preceding four years have been suspended pursuant to Code Section 40-2-137 or 40-2-138;

(2) Who during the preceding four years have been convicted of violating Code Section 40-6-10 while operating vehicles owned by other persons;

(3) Whose drivers' licenses have been suspended or revoked during the preceding four years; or

(4) Who during the preceding four years acquired ownership of motor vehicles while the registrations of such vehicles under the previous owners were suspended pursuant to Code Section 40-2-137 or 40-2-138.

(b) The department may verify whether or not at the time of an accident involving a motor vehicle such motor vehicle was covered by a liability insurance policy in accordance with Code Section 33-34-4.

(c) In preparation for selection of random samples and their verification, the department may send to owners of randomly selected motor vehicles, or to randomly selected motor vehicle owners, requests for information about their motor vehicles and liability insurance coverage. The request shall require the owner to state whether or not the motor vehicle was insured on the verification date stated in the department's request and the request may require, but is not limited to, a statement by the owner of the names and addresses of insurers, policy numbers, and expiration dates of insurance coverage.

(d)(1) Within 30 days after the department mails a request, the owner to whom it is sent shall furnish the requested information to the department above the owner's signed affirmation that such information is true and correct. Proof of insurance in effect on the verification date, as prescribed by the department, may be considered by the department to be a satisfactory response to the request for information.

(2) Any owner whose response indicates that his or her vehicle was not covered by a liability insurance policy in accordance with Code Section 33-34-4 shall be deemed to have registered or maintained registration of a motor vehicle in violation of that Code section. (Any owner who fails to respond to such a request shall be deemed to have registered or maintained registration of a motor vehicle in violation of Code Section 33-34-4.

(e) If the owner responds to the request for information by asserting that his or her vehicle was covered by a liability insurance policy on the verification date stated in the department's request, the department may conduct a verification of the response by furnishing necessary information to the insurer named in the response. The insurer shall within 30 days inform the department whether or not on the verification date stated the motor vehicle was insured by the insurer in accordance with Code Section 33-34-4. The department may by rule and regulation prescribe the procedures for verification.

(f) No random sample selected under this Code section shall be categorized on the basis of race, color, religion, sex, national origin, ancestry, age, marital status, physical or mental disability, economic status, or geography.

40-9-37.2.

If the department determines that an owner has registered or maintained registration of a motor vehicle without a liability insurance policy in accordance with Code Section 33-34-4, the department shall notify the owner that such owner's vehicle registration shall be suspended 45 days after the date of the mailing of the notice unless the owner within 30 days furnishes proof of insurance in effect on the verification date, as prescribed by the department.

40-9-37.3.

The department shall promptly notify the commissioner of revenue of the identity of any person whom the department has determined, in accordance with Code Sections 40-9-37.1 and 40-9-37.2, to have registered or maintained registration of a motor vehicle in violation of Code Section 33-34-4 or to have submitted false proof of insurance or of any person who, according to the records of the department, has been convicted in another state of an offense which, if committed in this state, would constitute a violation of Code Section 40-6-10."

SECTION 6.

Sections 3, 4, and 5 of this Act shall stand repealed on July 1, 2001.

SECTION 7.

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

Senator Abernathy of the 38th offered the following amendment:

Amend the committee substitute to SB 538 by adding on page 6 following line 23, the following

Any owner who is absent from Georgia at the time the request for information is sent, shall upon returning to Georgia and receiving the notification for information, notify the Department of Public Safety of his absence from Georgia. Upon proper proof of his absence, the owner shall have an additional 30 days in which to comply.

On the adoption of the amendment, the yeas were 36, nays 0, and the Abernathy amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 36, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	EX Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	EX Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

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Senator Thompson of the 33rd moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 33, nays 1; the motion prevailed, and Senator Ralston was excused.

The Calendar was resumed.

HR 843. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A resolution urging the Georgia Congressional delegation and the United States Department of Agriculture to increase existing funding for the research and eradication of the Tomato Spotted Wilt Virus in Georgia.

Senate Sponsor: Senator Ragan of the 11th.

Senator Guhl of the 45th offered the following amendment:

Amend HR 843 by striking lines 1 through 4 on page 1 and inserting in lieu thereof the following:

“Urging the Georgia Congressional delegation and the United States Department of Agriculture to recognize the vital importance of Tomato Spotted Wilt Virus research and eradication programs and to give such programs priority consideration; and for other purposes.”

By striking line 33 on page 1 and inserting in lieu thereof the following:

“Agriculture to give priority consideration to Tomato Spotted Wilt”

On the adoption of the amendment, Senator Ragan of the 11th called for the yeas and nays.

The call was sustained, and the vote was as follows:

	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blitch	N	Harbison	N	Ragan
N	Boshears	N	Henson	EX	Ralston
N	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	Y	James	N	Starr
Y	Burton	EX	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	N	Streat
Y	Cheeks	N	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	EX	Taylor
N	Crotts	N	Land	N	Thomas,D
N	Dean	N	Langford		Thomas,N
N	Egan	N	Madden	N	Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	Y	Tysinger
N	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 17, nays 34, and the Guhl amendment was lost.

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The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	N	Price,R
N Balfour	N	Guhl	N	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	EX	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
N Brush	Y	James	Y	Starr
Y Burton	EX	Johnson,D	Y	Stokes
N Cagle	N	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Clay	N	Lamutt	EX	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
N Glanton	Y	Oliver	Y	Walker
N Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 40, nays 10.

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

HB 1306. By Representative Polak of the 67th:

A bill to amend Article 4 of Chapter 7 of Title 17 of the Official Code of Georgia Annotated, relating to accusations, so as to provide that a defendant charged with theft by receiving stolen property or possession of a firearm by a convicted felon or first offender probationer may be tried upon an accusation in certain circumstances.

Senate Sponsor: Senator Oliver of the 42nd.

Senators Crotts of the 17th and Dean of the 31st offered the following substitute to HB 1306:

A BILL

To be entitled an Act to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification as a defense to criminal prosecution, so as to provide for threats and use of force in defense of dwellings, places of business, and motor vehicles; to provide for criminal and civil immunity; to amend Code Section 17-7-70.1 of the Official Code of Georgia Annotated, relating to trial upon accusations in certain felony and misdemeanor cases, so as to provide that certain theft offenses may be tried on accusations; to provide that all crimes involving forgery and fraudulent practices may be tried on accusations; to provide that certain offenses relating to escape or confinement may be tried on accusations; to provide that offenses relating to possession of firearms by convicted felons and first offender probationers may be tried on accusa-

tions; to provide conditions under which offenses covered under this Act may be tried by accusation; to provide for other matters relative to the foregoing; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification as a defense to criminal prosecution, is amended by striking in its entirety Code Section 16-3-23, relating to use of force in defense of habitation, and inserting in lieu thereof a new Code Section 16-3-23 to read as follows:

“16-3-23.

~~A person is justified in threatening or using force against another when and to the extent that he reasonably believes that such threat or force is necessary to prevent or terminate such other's unlawful entry into or attack upon a habitation, however, he is justified in the use of force which is intended or likely to cause death or great bodily harm only if:~~

~~(1) The entry is made or attempted in a violent and tumultuous manner and he reasonably believes that the entry is attempted or made for the purpose of assaulting or offering personal violence to any person dwelling or being therein and that such force is necessary to prevent the assault or offer of personal violence; or~~

~~(2) He reasonably believes that the entry is made or attempted for the purpose of committing a felony therein and that such force is necessary to prevent the commission of the felony.~~

(a) A person lawfully present inside a dwelling, place of business, or motor vehicle is justified in threatening or using any degree of physical force, including deadly force, against another person who has made or is attempting to make an unlawful entry into that dwelling, place of business, or motor vehicle, when the person using such threats or force reasonably believes that such use is necessary to:

(1) Prevent such entry;

(2) Compel the intruder to leave the premises or motor vehicle; or

(3) Prevent the use of any physical force against any person lawfully present in such dwelling, place of business, or motor vehicle.

(b) A person who uses threats or force in accordance with subsection (a) of this Code section shall be immune from criminal prosecution and civil liability therefor unless the deadly force used by such person utilizes a weapon the carrying or possession of which is unlawful by such person under Part 3 of Article 4 of Chapter 11 of Title 16.”

SECTION 2.

Code Section 17-7-70.1 of the Official Code of Georgia Annotated, relating to trial upon accusations in certain felony and misdemeanor cases, is amended by striking subsection (a) in its entirety and inserting in lieu thereof the following:

“(a)(1) In felony cases involving violations of the following:

(A) Code Sections 16-8-2, 16-8-14, 16-8-18, 16-9-1, 16-9-2, 16-9-20, 16-9-31, 16-9-33, 16-9-37, 16-10-52, and 40-5-58;

(B) Article 1 of Chapter 8 of Title 16, relating to theft;

(C) Chapter 9 of Title 16, relating to forgery and fraudulent practices;

(D) Article 3 of Chapter 10 of Title 16, relating to escape and other offenses related to confinement; or

(E) Code Section 16-11-131, relating to possession of a firearm by a convicted felon or first offender probationer,

in which defendants have either been bound over to the superior court based on a finding of probable cause pursuant to a commitment hearing under Article 2 of this chapter or have expressly or by operation of law waived a commitment hearing, the district attorney shall have authority to prefer accusations, and the defendants shall be tried on such accusations according to the same rules of substantive and procedural laws relating to defendants who have been indicted by a grand jury.

(2) All laws relating to rights and responsibilities attendant to indicted cases shall be applicable to cases brought by accusations signed by the district attorney.

(3) The accusation need not be supported by an affidavit except in those cases in which the defendant has not been previously arrested in conjunction with the transaction charged in the accusation."

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.

Senator Crotts of the 17th asked unanimous consent that his substitute to HB 1306 be withdrawn.

The consent was granted and the substitute was withdrawn.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Burton	EX Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	EX Taylor
Y Crotts	N Land	Y Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 1.

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

HB 1406. By Representatives Crawford of the 129th and Smith of the 109th:

A bill to amend Code Section 9-13-140 of the Official Code of Georgia Annotated, relating to advertising judicial sales, so as to change the advertising requirement for judicial sales or real property.

Senate Sponsor: Senator Ray of the 48th.

Senator Ray of the 48th asked unanimous consent that HB 1406 be dropped to the bottom of the Calendar. The consent was granted.

HR 842. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A resolution urging the Georgia Congressional delegation and the United States Department of Agriculture to increase existing funds for the control, management, and eradication of the red imported fire ant.

Senate Sponsor: Senator Streat of the 19th.

Senator Guhl of the 45th offered the following amendment:

Amend HR 842 by striking line 2 of page 1 and inserting in lieu thereof the following:

“States Department of Agriculture to develop a plan”

By striking the words “increase funding and” on line 17 of page 1.

By striking line 23 of page 1 and inserting in lieu thereof the following:

“ant research program so as to”

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

	Abernathy	N	Griffin		Price,R	
Y	Balfour		Y	Guhl	Y	Price,T
N	Blicht		N	Harbison	N	Ragan
N	Boshears		N	Henson	EX	Ralston
N	Bowen		N	Hill	Y	Ray
N	Broun, 46th		N	Hooks	Y	Roberts
N	Brown, 26th			Huggins	N	Scott
Y	Brush		Y	James	N	Starr
Y	Burton		EX	Johnson,D	Y	Stokes
Y	Cagle		Y	Johnson,E	N	Streat
Y	Cheeks		N	Kemp	Y	Tanksley
Y	Clay		Y	Lamutt	EX	Taylor
Y	Crotts		Y	Land	N	Thomas,D
N	Dean		N	Langford		Thomas,N
N	Egan		N	Madden	N	Thompson
Y	Fort		N	Marable	N	Turner
N	Gillis		N	Middleton	Y	Tysinger
Y	Glanton		Y	Oliver		Walker
Y	Gochenour		N	Perdue		

On the adoption of the amendment, the yeas were 22, nays 26, and the amendment was lost.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

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On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Price,R
N	Balfour	N	Guhl	N Price,T
Y	Blitch	Y	Harbison	Y Ragan
Y	Boshears	Y	Henson	EX Ralston
Y	Bowen	Y	Hill	Y Ray
Y	Broun, 46th	Y	Hooks	Y Roberts
Y	Brown, 26th	Y	Huggins	Y Scott
N	Brush	Y	James	Y Starr
Y	Burton	EX	Johnson,D	Y Stokes
N	Cagle	N	Johnson,E	Y Streat
Y	Cheeks	Y	Kemp	Y Tanksley
	Clay	N	Lamutt	EX Taylor
Y	Crotts	Y	Land	Y Thomas,D
Y	Dean	Y	Langford	Thomas,N
Y	Egan	Y	Madden	Y Thompson
Y	Fort	Y	Marable	Y Turner
Y	Gillis	Y	Middleton	Y Tysinger
N	Glanton	Y	Oliver	Walker
N	Gochenour	Y	Perdue	

On the adoption of the resolution, the yeas were 40, nays 9.

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

HB 1502. By Representatives DeLoach of the 172nd and Tillman of the 173rd:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated relating to apportionment of the House of Representatives and qualifications of its members, so as to change the composition of certain House districts.

Senate Sponsor: Senator Blitch of the 7th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Fort	Y	Lamutt
Y	Balfour	Y	Gillis	Y	Land
Y	Blitch	Y	Glanton	Y	Langford
Y	Boshears	Y	Gochenour	Y	Madden
Y	Bowen	Y	Griffin	Y	Marable
Y	Broun, 46th	Y	Guhl	Y	Middleton
Y	Brown, 26th	Y	Harbison	Y	Oliver
Y	Brush	Y	Henson	Y	Perdue
Y	Burton		Hill		Price,R
Y	Cagle	Y	Hooks	Y	Price,T
N	Cheeks		Huggins	Y	Ragan
Y	Clay	Y	James	EX	Ralston
Y	Crotts	EX	Johnson,D	Y	Ray
Y	Dean	Y	Johnson,E	Y	Roberts
Y	Egan	Y	Kemp	Y	Scott

Y	Starr	EX	Taylor	Y	Turner
	Stokes	Y	Thomas,D	Y	Tysinger
Y	Streat	Y	Thomas,N		Walker
Y	Tanksley	Y	Thompson		

On the passage of the bill, the yeas were 46, nays 1.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1126. By Representative Connell of the 115th:

A bill to amend Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to public authorities, so as to create the Georgia Golf Hall of Fame Authority.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 1165. By Representatives Walker of the 141st, Lee of the 94th, Coleman of the 142nd and others:

A resolution relative to adjournment.

Senator Dean of the 31st moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 3:07 P.M., the President announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Tuesday, February 24, 1998
Twenty-seventh Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1689. By Representative Stallings of the 100th:

A bill to amend an Act providing for homestead exemptions from City of Carrollton ad valorem taxes for educational purposes for certain residents of that school district, so as to provide for a homestead exemption for the full value of the homestead from ad valorem taxes for educational purposes for residents of the City of Carrollton who are 65 years of age or older and whose income does not exceed a specified amount.

HB 1690. By Representative Stallings of the 100th:

A bill to amend an Act providing for homestead exemptions from Carroll County ad valorem taxes for county purposes and from Carroll County ad valorem taxes for educational purposes for certain residents of that county and that school district, so as to provide for a homestead exemption for the full value of the homestead from ad valorem taxes for educational purposes.

HB 1701. By Representatives Lewis of the 14th, Cummings of the 27th and Childers of the 13th:

A bill to amend an Act reincorporating the City of Cartersville, so as to change provisions relating to the method of levying taxes for support of the Cartersville public schools; to change provisions relating to reimbursement of the city council.

HB 1721. By Representatives Bunn of the 74th and O'Neal of the 75th:

A bill to amend an Act creating a board of commissioners for Rockdale County, so as to change the method of filling vacancies.

HB 1725. By Representatives Wiles of the 34th, Parsons of the 40th, Bradford of the 30th and others:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the solicitor-general.

HB 1728. By Representatives Parsons of the 40th, Wiles of the 34th, Cooper of the 31st and others:

A bill to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb County, so as to change the compensation of the chief clerk and the executive secretary of the tax commissioner.

HB 1474. By Representative Polak of the 67th:

A bill to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding tax exemptions, so as to change certain qualifications with respect to homestead exemptions.

HB 1082. By Representative Cummings of the 27th:

A bill to amend Code Section 47-4-102 of the Official Code of Georgia Annotated, relating to optional retirement benefits under the Public School Employees Retirement System, so as to provide that a member who is unmarried at the time of retirement and who subsequently marries may establish spouse's benefits for his or her spouse.

HB 1242. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A bill to amend Article 5 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated, known as the "Georgia Boll Weevil Eradication Act of 1985," so as to authorize the establishment and collection of an assessment per bale of cotton in lieu of the assessment per acre of cotton.

HB 1496. By Representatives Harbin of the 113th, Shipp of the 38th and Parsons of the 40th:

A bill to amend Article 13 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to licensing of mortgage lenders and mortgage brokers, so as to impose the requirement that in order to be licensed or to have a license renewed, an out-of-state mortgage broker must have a physical presence in Georgia if its home state so requires.

HB 1485. By Representative Shanahan of the 10th:

A bill to amend Chapter 43 of Title 36 of the Official Code of Georgia Annotated, relating to city business improvement districts, so as to allow the time period for existence of the district to range from five years to ten years.

HB 957. By Representatives Tolbert of the 25th and Hecht of the 97th:

A bill to amend Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to the offenses of child molestation and aggravated child molestation, so as to provide for a distinction between offenses involving and not involving the touching of the child.

HB 1499. By Representative Barnes of the 33rd:

A bill to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of public records is not required, so as to provide that certain records which would reveal certain information concerning law enforcement officers, members of their families, or their dependents shall not be subject to disclosure.

HB 1216. By Representative Campbell of the 42nd:

A bill to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, the "Georgia Peace Officer Standards and Training Act," so as to change the definition of certain terms; to include certain employees of municipal probation systems who are authorized to exercise the power of arrest within the definition of the term "peace officer"

HB 1186. By Representatives Smith of the 109th and Jenkins of the 110th:

A bill to amend Article 2 of Chapter 3 of Title 5 of the Official Code of Georgia Annotated, relating to procedures relative to appeals to the superior court, so as to change procedures relative to appeals from the magistrate court to the superior court.

HB 1565. By Representatives Childers of the 13th, Orrock of the 56th, Smith of the 109th and others:

A bill to provide for legislative findings and intent; to amend Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to venereal disease, so as to require coverage of chlamydia screening tests for certain females covered by individual or group accident and sickness insurance policies or managed care plans.

HB 1071. By Representatives Lane of the 146th and Martin of the 145th:

A bill to amend Article 5 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement under the Georgia Firemen's Pension Fund, so as to provide creditable service for certain prior service.

HB 300. By Representatives Byrd of the 170th and Lee of the 94th:

A bill to amend Code Section 43-14-8 of the Official Code of Georgia Annotated, relating to licensing required for electrical, plumbing, or conditioned air contracting and businesses conducted by partnerships, limited liability companies, and corporations, so as to regulate certain sales or the furnishing of major components of a conditioned air system.

SB 584. By Senators Land of the 16th, Harbison of the 15th and Hooks of the 14th:

A bill to provide supplements to the salaries of the judges of the superior courts of the Chattahoochee Judicial Circuit from certain counties within the circuit; to provide the amount and method of payment of such supplements; to provide the amount of such supplements which certain counties within the circuit shall pay; to provide that such supplements shall be expenses of the superior courts; to provide an effective date.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 1064. By Representative Whitaker of the 7th:

A resolution designating the Reverend Joseph Edward Grizzle Bridge.

HR 1155. By Representative Smith of the 12th:

A resolution proclaiming "International Building Safety Week"

The House has disagreed to the Senate amendment to the following bill of the House:

HB 1424. By Representatives Birdsong of the 123rd, Buck of the 135th, Royal of the 164th and others:

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A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to the computation of taxable net income for income tax purposes, so as to increase the amount of retirement income exclusion.

The House adheres to its position in insisting on its substitute, and has appointed a Committee of Conference to confer with a like committee on the part of the Senate on the following resolution of the Senate:

SR 463. By Senators Perdue of the 18th, Dean of the 31st, Walker of the 22nd and others:

A resolution proposing an amendment to the Constitution so as to abolish the authority of the State Board of Pardons and Paroles to grant reprieves, pardons, and paroles for persons convicted on or after July 1, 1999, of crimes as defined by the General Assembly; to provide for submission of this amendment for ratification or rejection.

The Speaker has appointed on the part of the House, Representatives Walker of the 141st, Smyre of the 136th and Lee of the 94th.

The following bills were introduced, read the first time and referred to committees:

SB 670. By Senators Starr of the 44th and Middleton of the 50th:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for definitions; to create the Advisory Committee on Pain and Symptom Management within the office of the joint-secretary of the state examining boards; to provide for committee appointment, membership, qualifications, vacancies, expenses, allowances, and organization; to provide for committee rights, duties, and functions.

Referred to Committee on Health and Human Services.

SB 671. By Senators Dean of the 31st, Marable of the 52nd and Guhl of the 45th:

A bill to amend the Official Code of Georgia Annotated, so as to change the names of the Board of Corrections, Department of Corrections, and commissioner of corrections; to substitute the term "Board of Prisons" for the term "Board of Corrections" wherever the same appears in the Code; to substitute the term "Georgia Bureau of Prisons" for the term "Department of Corrections" wherever the same appears in the Code.

Referred to Committee on Corrections, Correctional Institutions & Property.

SB 672. By Senator Griffin of the 25th:

A bill to provide for the nonpartisan nomination and election of the chief magistrate of the Magistrate Court of Morgan County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 673. By Senator Griffin of the 25th:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Morgan County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 674. By Senator Griffin of the 25th:

A bill to create a court to be known as the State Court of Morgan County; to define its jurisdiction and powers; to provide for the election, qualifications, duties, powers, terms, and compensation of the judge and solicitor-general thereof; to provide for a court reporter; to provide for the pleading and practice and rules of procedure therein; to provide for jurors for said court.

Referred to Committee on State and Local Governmental Operations.

SB 675. By Senator Griffin of the 25th:

A bill to create a court to be known as the State Court of Morgan County; to define its jurisdiction and powers; to provide for the election, qualifications, duties, powers, terms, and compensation of the judge and solicitor-general thereof; to provide for a court reporter; to provide for the pleading and practice and rules of procedure therein; to provide for jurors for said court.

Referred to Committee on State and Local Governmental Operations.

SB 676. By Senators Cheeks of the 23rd and Gillis of the 20th:

A bill to amend an Act incorporating the City of Stapleton (formerly the Town of Spread), as amended, so as to change the corporate limits of the city.

Referred to Committee on State and Local Governmental Operations.

SB 677. By Senator Price of the 28th:

A bill to amend an Act providing a supplemental salary for the judges of the Superior Court of the Coweta Judicial Circuit, as amended, so as to change the supplemental salaries for such judges; to provide for the apportionment of such supplement among the counties in the circuit.

Referred to Committee on State and Local Governmental Operations.

SB 678. By Senators Hill of the 4th, Crotts of the 17th, Bowen of the 13th and Marable of the 52nd:

A bill to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to change certain provisions relating to Quality Basic Education Program task force and state-wide comprehensive educational information network; to change certain provisions relating to listing of educational entities and requirements for private schools and home study programs.

Referred to Committee on Education.

The following bills were read the first time and referred to committees:

HB 300. By Representatives Byrd of the 170th and Lee of the 94th:

A bill to amend Code Section 43-14-8 of the Official Code of Georgia Annotated, relating to licensing required for electrical, plumbing, or conditioned air contracting and businesses conducted by partnerships, limited liability companies, and corporations, so as to regulate certain sales or the furnishing of major components of a conditioned air system.

Referred to Committee on Science, Technology and Industry.

HB 957. By Representatives Tolbert of the 25th and Hecht of the 97th:

A bill to amend Code Section 16-6-4 of the Official Code of Georgia Annotated, relating to the offenses of child molestation and aggravated child molestation, so as to provide for a distinction between offenses involving and not involving the touching of the child.

Referred to Committee on Judiciary.

HB 1071. By Representatives Lane of the 146th and Martin of the 145th:

A bill to amend Article 5 of Chapter 7 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement under the Georgia Firemen's Pension Fund, so as to provide creditable service for certain prior service.

Referred to Committee on Retirement.

HB 1082. By Representative Cummings of the 27th:

A bill to amend Code Section 47-4-102 of the Official Code of Georgia Annotated, relating to optional retirement benefits under the Public School Employees Retirement System, so as to provide that a member who is unmarried at the time of retirement and who subsequently marries may establish spouse's benefits for his or her spouse.

Referred to Committee on Retirement.

HB 1126. By Representative Connell of the 115th:

A bill to amend Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to public authorities, so as to create the Georgia Golf Hall of Fame Authority.

Referred to Committee on Economic Development, Tourism and Cultural Affairs.

HB 1186. By Representatives Smith of the 109th and Jenkins of the 110th:

A bill to amend Article 2 of Chapter 3 of Title 5 of the Official Code of Georgia Annotated, relating to procedures relative to appeals to the superior court, so as to change procedures relative to appeals from the magistrate court to the superior court.

Referred to Committee on Judiciary.

HB 1216. By Representative Campbell of the 42nd:

A bill to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, the "Georgia Peace Officer Standards and Training Act," so as to change the definition of certain terms; to include certain employees of municipal probation systems who are authorized to exercise the power of arrest within the definition of the term "peace officer"

Referred to Committee on Public Safety.

HB 1242. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

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A bill to amend Article 5 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated, known as the "Georgia Boll Weevil Eradication Act of 1985," so as to authorize the establishment and collection of an assessment per bale of cotton in lieu of the assessment per acre of cotton.

Referred to Committee on Agriculture.

HB 1474. By Representative Polak of the 67th:

A bill to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding tax exemptions, so as to change certain qualifications with respect to homestead exemptions.

Referred to Committee on Finance and Public Utilities.

HB 1485. By Representative Shanahan of the 10th:

A bill to amend Chapter 43 of Title 36 of the Official Code of Georgia Annotated, relating to city business improvement districts, so as to allow the time period for existence of the district to range from five years to ten years.

Referred to Committee on State and Local Governmental Operations (General).

HB 1496. By Representatives Harbin of the 113th, Shipp of the 38th and Parsons of the 40th:

A bill to amend Article 13 of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to licensing of mortgage lenders and mortgage brokers, so as to impose the requirement that in order to be licensed or to have a license renewed, an out-of-state mortgage broker must have a physical presence in Georgia if its home state so requires.

Referred to Committee on Banking and Financial Institutions.

HB 1499. By Representative Barnes of the 33rd:

A bill to amend Code Section 50-18-72 of the Official Code of Georgia Annotated, relating to when public disclosure of public records is not required, so as to provide that certain records which would reveal certain information concerning law enforcement officers, members of their families, or their dependents shall not be subject to disclosure.

Referred to Committee on Judiciary.

HB 1565. By Representatives Childers of the 13th, Orrock of the 56th, Smith of the 109th and others:

A bill to provide for legislative findings and intent; to amend Chapter 17 of Title 31 of the Official Code of Georgia Annotated, relating to venereal disease, so as to require coverage of chlamydia screening tests for certain female covered by individual or group accident and sickness insurance policies or managed care plans.

Referred to Committee on Insurance and Labor.

HB 1689. By Representative Stallings of the 100th:

A bill to amend an Act providing for homestead exemptions from City of Carrollton ad valorem taxes for educational purposes for certain residents of that

school district, so as to provide for a homestead exemption for the full value of the homestead from ad valorem taxes for educational purposes for residents of the City of Carrollton who are 65 years of age or older and whose income does not exceed a specified amount.

Referred to Committee on State and Local Governmental Operations.

HB 1690. By Representative Stallings of the 100th:

A bill to amend an Act providing for homestead exemptions from Carroll County ad valorem taxes for county purposes and from Carroll County ad valorem taxes for educational purposes for certain residents of that county and that school district, so as to provide for a homestead exemption for the full value of the homestead from ad valorem taxes for educational purposes.

Referred to Committee on State and Local Governmental Operations.

HB 1701. By Representative Lewis of the 14th:

A bill to amend an Act reincorporating the City of Cartersville, so as to change provisions relating to the method of levying taxes for support of the Cartersville public schools; to change provisions relating to reimbursement of the city council.

Referred to Committee on State and Local Governmental Operations.

HB 1721. By Representatives Bunn of the 74th and O'Neal of the 75th:

A bill to amend an Act creating a board of commissioners for Rockdale County, so as to change the method of filling vacancies.

Referred to Committee on State and Local Governmental Operations.

HB 1725. By Representatives Wiles of the 34th, Parsons of the 40th, Bradford of the 30th and others:

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the solicitor-general.

Referred to Committee on State and Local Governmental Operations.

HB 1728. By Representatives Parsons of the 40th, Wiles of the 34th, Cooper of the 31st and others:

A bill to amend an Act consolidating the offices of tax collector and tax receiver into the office of tax commissioner of Cobb County, so as to change the compensation of the chief clerk and the executive secretary of the tax commissioner.

Referred to Committee on State and Local Governmental Operations.

HR 1064. By Representative Whitaker of the 7th:

A resolution designating the Reverend Joseph Edward Grizzle Bridge.

Referred to Committee on Transportation.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Consumer Affairs has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 621. Do pass by substitute.

HB 1294. Do pass by substitute.

HB 908. Do pass by substitute.

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Respectfully submitted,

Senator Henson of the 55th District, Chairman

Mr. President:

The Committee on Corrections, Correctional Institutions & Property has had under consideration the following bill and resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 467. Do pass.

SR 331. Do pass.

Respectfully submitted,

Senator Dean of the 31st District, Chairman

Mr. President:

The Committee on Defense and Veterans Affairs has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1516. Do pass.

Respectfully submitted,

Senator Harbison of the 15th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 634. Do pass.

HB 1200. Do pass.

SB 660. Do pass by substitute.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1394. Do pass by substitute.

SR 644. Do pass.

SB 649. Do pass.

HB 1163. Do pass as amended.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 180. Do pass as amended.

HB 1144. Do pass by substitute.

HB 516. Do pass by substitute.

HB 1206. Do pass.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 630. Do pass.	HB 1694. Do pass.
HB 1268. Do pass by substitute.	HB 1695. Do pass.
HB 1658. Do pass.	HB 1699. Do pass.
HB 1688. Do pass.	

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills were read the second time:

SB 543 SB 599 HB 1387

The President called for the morning roll call and the following Senators answered to their names:

Balfour	Griffin	Perdue
Blitch	Guhl	Price,R
Boshears	Harbison	Price,T
Bowen	Henson	Ralston
Broun, 46th	Hill	Ray
Brown, 26th	Hooks	Roberts
Brush	Huggins	Starr
Burton	James	Stokes
Cagle	Johnson,D	Streat
Cheeks	Johnson,E	Tanksley
Clay	Kemp	Taylor
Crotts	Lamutt	Thomas,D
Dean	Land	Thomas,N
Egan	Langford	Thompson
Fort	Madden	Turner
Gillis	Marable	Walker
Glanton	Middleton	
Gochenour	Oliver	

Those not answering were:

Abernathy	Scott
Ragan	Tysinger

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Stokes of the 43rd introduced Cotrell Qualls, a student at Avondale High School, Decatur, Georgia, who sang an inspirational song.

Senator Johnson of the 1st introduced the chaplain of the day, Mr. Rick Monroe of Savannah, Georgia, who offered scripture reading and prayer.

The following resolution was read and adopted:

SR 671. By Senators Brown of the 26th, Perdue of the 18th and Gochenour of the 27th:

A resolution commending the mayor and council of the City of Macon, the members of the Board of Commissioners of Bibb County, the Keep Macon-Bibb

Beautiful Commission, and the Cherry Blossom Festival Board with respect to the annual Cherry Blossom Festival.

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Senator Brown of the 26th introduced representatives of the Cherry Blossom Festival, commended by SR 671. Carolyn Creighton, chairman of the Cherry Blossom Festival, addressed the Senate briefly.

Senator Brown of the 26th introduced representatives for Macon Day, Jim Marshall, the Mayor of Macon, and County Commissioner, Larry Justice, commended by SR 556, adopted previously, who addressed the Senate briefly.

The following resolutions were read and adopted:

SR 664. By Senators Turner of the 8th and Ragan of the 11th:

A resolution recognizing and commending the Valdosta High School boys basketball team.

SR 665. By Senators Ragan of the 11th and Turner of the 8th:

A resolution recognizing and commending the Veterans Express Bus, Inc.

SR 667. By Senators Thompson of the 33rd and Cheeks of the 23rd:

A resolution commending Mr. Rodney E. Slater.

Senator Abernathy of the 38th introduced the doctor of the day, Dr. Erroll Bailey of Atlanta, Georgia.

The following local, uncontested bills of the House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday FEBRUARY 24, 1998

TWENTY-SEVENTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1658 Johnson, 2nd
CITY OF GARDEN CITY

A bill to amend an Act creating a new charter for the City of Garden City, so as to extend the present corporate limits of said municipality and annex and incorporate certain additional land to said municipality.

HB 1688 Streat, 19th
CITY OF OCILLA

A bill to amend an Act incorporating the City of Ocilla, so as to correct an error regarding the time for election of councilmembers representing Districts 1 and 4.

HB 1694 Lamutt, 21st
Thompson, 33rd
Tanksley, 32nd
Clay, 37th
Abernathy, 38th
COBB COUNTY

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the chief judge, judges, and associate judges of the state court.

HB 1695 Middleton, 50th
HABERSHAM COUNTY

A bill to amend an Act creating a Board of Commissioners for Habersham County, so as to change the number of commission districts from three districts to five districts.

HB 1699 Turner, 8th
LOWNDES COUNTY

A bill to amend an Act creating the Board of Commissioners of Lowndes County, so as to change the provisions relating to regular meetings of the Board of Commissioners.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y	Abernathy	Griffin	Y	Price,R	
	Balfour	Y	Guhl	Y	Price,T
	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins		Scott
	Brush	Y	James		Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt		Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
Y	Gochenour		Perdue		

On the passage of the local bills, the yeas were 46, nays 0.

The bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

NOTICE OF MOTION TO RECONSIDER:

HB 844 Borrow pits; not regulated as surface mines (Nat R-20th)

Floyd-138th

SENATE RULES CALENDAR

www.libtool.com Tuesday, February 24, 1998
 TWENTY-SEVENTH LEGISLATIVE DAY

- SB 590 Deposit Account Fraud-no check acceptance for any value less than face value (Substitute)(B&FI-23rd)
- HB 1354 Financial institutions; amend provisions (Substitute)(B&FI-8th) Parish-144th
- HB 1406 Judicial sales; real property; legal ad include description (S Judy-48th) Crawford-129th
- SB 608 Fire Commissioner and Employees-may issue citations for noncompliance (Substitute)(Pub Saf-19th)
- SR 586 Peace Officers-need for establishing minimum salary (Pub Saf-52nd)
- HB 1434 "Bill of Rights Day"; designate December 15 (Rules-37th) Franklin-39th
- SB 591 Seat Belts-change certain provisions (Amendment)(Trans-33rd)
- HB 1229 Elections Code; corrections (S Judy-40th) Martin-47th
- HB 1266 Disaster Volunteer Leave Act; enact (Pub Saf-33rd) Cooper-31st
- HB 1290 Juvenile court judges; training expenses; court orders; rehearings (Substitute)(Judy-42nd) Hecht-97th
- SR 613 ~ David Nipper Memorial Bridge-designate (Trans-19th)
- HB 1535 Ad valorem, income, and sales taxes; certain printing services (F&PU-27th) Buck-135th
- HB 1368 Ad valorem tax; increase certain threshold amount (F&PU-31st) Reichert-126th
- SR 639 ~ Tommy Irvin Parkway-designate (Trans-50th)
- HB 1460 4-H clubs and FFA chapters; bonding requirements; exempt (Ag-11th) Floyd-138th
- HR 935 Cobb County; convey property (Substitute)(F&PU-33rd) Barnes-33rd
- SB 529 Ad Valorem Tax-information, disclosures to taxpayer (Substitute) (F&PU-29th)
- HB 1228 Code of Georgia; corrections (Amendment)(S Judy-40th) Martin-47th
- SR 635 DeKalb County-conveyance of certain State, Georgia Building Authority (Hospital) property (F&PU-42nd)
- SB 604 Stone Mountain Memorial Association-exercise of police powers (Pub Saf-46th)

- SR 591 Motor Fuel Tax on Low Sulphur Fuels-urge Congress to reduce or eliminate (Amendment)(Tras-37th)
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- HB 1199 Georgia Municipal Courts Training Council; membership; appointment (S Judy-46th) McBee-88th
- HB 1081 Teachers Retirement; death of designated recipient (Ret-34th) Cummings-27th

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

The following general bills were read the third time and put upon their passage:

- SB 590. By Senators Cheeks of the 23rd, Scott of the 36th, Brown of the 26th and others:

A bill to amend Article 2 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to deposit account fraud, so as to provide that no person shall accept any check or similar instrument as collateral for any value less than the face value of the check; to provide penalties.

The Senate Banking and Financial Institutions Committee offered the following substitute to SB 590:

A BILL

To be entitled an Act to amend Article 2 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to deposit account fraud, so as to provide that no person shall accept any check or similar instrument as collateral for any value less than the face value of the check; to provide penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 9 of Title 16 of the Official Code of Georgia Annotated, relating to deposit account fraud, is amended by inserting at the end thereof the following:

“16-9-22.

(a) It shall be unlawful for any person as part of a single transaction to accept one or more checks, drafts, or orders drawn upon any financial institution as collateral for a loan of any value less than the face value of the instrument when the drawer or maker of such checks, drafts, or orders is required to leave such check, draft, or order on deposit and repay the sum advanced within a period exceeding 24 hours.

(b) Any person who violates subsection (a) of this Code section shall be guilty of a misdemeanor of a high and aggravated nature and, upon conviction, shall be punished by a fine not to exceed \$5,000.00 or by incarceration for a term not to exceed 12 months, or both.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 37, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bill by substitute, was agreed to.

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On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	N Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 52, nays 1.

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

Senator Cheeks of the 23rd moved that SB 590 be immediately transmitted to the House.

On the motion, the yeas were 36, nays 0; the motion prevailed, and SB 590 was immediately transmitted.

The following resolution was read and put upon its adoption:

HR 1165. By Representatives Walker of the 141st, Lee of the 94th, Coleman of the 142nd and others:

A RESOLUTION

Relative to adjournment; and for other purposes.

BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that, unless otherwise provided by subsequent joint resolution, the schedule for the remainder of the 1998 regular session of the General Assembly shall be as follows:

- (1) The General Assembly shall adjourn at the conclusion of the legislative day on Tuesday, February 24, 1998, and shall reconvene on Thursday, February 26, 1998;
- (2) The General Assembly shall adjourn at the conclusion of the legislative day on Friday, February 27, 1998, and shall reconvene on Monday, March 2, 1998;
- (3) The General Assembly shall adjourn at the conclusion of the legislative day on Tuesday, March 3, 1998, and shall reconvene on Thursday, March 5, 1998;

- (4) The General Assembly shall adjourn at the conclusion of the legislative day on Friday, March 6, 1998, and shall reconvene on Monday, March 9, 1998;
- (5) The General Assembly shall adjourn at the conclusion of the legislative day on Tuesday, March 10, 1998, and shall reconvene on Thursday, March 12, 1998;
- (6) The General Assembly shall adjourn at the conclusion of the legislative day on Friday, March 13, 1998, and shall reconvene on Monday, March 16, 1998;
- (7) The General Assembly shall adjourn at the conclusion of the legislative day on Monday, March 16, 1998, and shall reconvene on Wednesday, March 18, 1998; and
- (8) The General Assembly shall adjourn sine die at midnight on Thursday, March, 19, 1998, unless an earlier hour is fixed by subsequent joint resolution.

BE IT FURTHER RESOLVED that, except with respect to adjournment sine die, the hour for adjourning and reconvening the Senate on any day may be as ordered by the Senate; and the hour for adjourning and reconvening the House of Representatives on any day may be as ordered by the House.

Senators Land of the 16th, Turner of the 8th and Gillis of the 20th offered the following amendment:

Amend HR 1165 by:

Striking on p.1, lines 6 through 8.

Striking on line 10: "Friday" and replacing it with "Thursday"

Striking on line 10: "27" and replacing it with "26"

Striking lines 12 through 14

Striking on line 16: "Friday" and replacing it with Thursday

Striking on line 16: "6" and replacing it with 5.

Striking lines 18 through 20

Striking on line 22: "Friday" and replacing it with "Thursday"

Striking on line 22: "13" and replacing it with "12"

Striking "(2)" on line 9, and replacing with "(1)"

Striking "(4)" on line 15, and replacing with "(2)" renumbering "(6), (7), (8)" as "(3), (4), (5)"

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Dean	N	James
Y	Balfour	Y	Egan	N	Johnson,D
	Blitch	N	Fort	Y	Johnson,E
N	Boshears	Y	Gillis	N	Kemp
Y	Bowen	Y	Glanton	Y	Lamutt
N	Broun, 46th	Y	Gochenour	Y	Land
N	Brown, 26th	N	Griffin	N	Langford
Y	Brush	Y	Guhl	N	Madden
Y	Burton	N	Harbison	N	Marable
Y	Cagle	N	Henson	N	Middleton
Y	Cheeks	N	Hill	Y	Oliver
Y	Clay	N	Hooks	N	Perdue
Y	Crotts	N	Huggins		

Y Price,R	N Scott	Y Thomas,D
Y Price,T	N Starr	N Thomas,N
N Ragan	N Stokes	N Thompson
Y Ralston	N Streat	Y Turner
Y Ray	Y Tanksley	Y Tysinger
Y Roberts	N Taylor	N Walker

On the adoption of the amendment, the yeas were 26, nays 29, and the Land, et al. amendment was lost.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
Y Balfour	N Guhl	N Price,T
Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	N Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	N Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
N Burton	Y Johnson,D	Y Stokes
N Cagle	N Johnson,E	Y Streat
Y Cheeks	Y Kerap	N Tanksley
N Clay	N Lamutt	Y Taylor
N Crofts	N Land	N Thomas,D
Y Dean	Y Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
Y Fort	Y Marable	N Turner
Y Gillis	N Middleton	N Tysinger
N Glanton	N Oliver	Y Walker
N Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 33, nays 22.

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

Senator Madden of the 47th introduced Miss Georgia, Candice Little, commended by SR 647, adopted previously, who addressed the Senate briefly.

The Calendar was resumed.

HB 1354. By Representatives Parrish of the 144th, Stallings of the 100th, Thomas of the 148th and others:

A bill to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for definitions; to provide for regulatory parity; to provide for confidentiality of departmental records and exceptions; to provide for rule-making authority.

Senate Sponsor: Senator Turner of the 8th.

The Senate Banking and Financial Institutions Committee offered the following substitute to HB 1354:

A BILL

To be entitled an Act to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for definitions; to provide for

regulatory parity; to provide for confidentiality of departmental records and exceptions; to provide for rule-making authority; to provide for conditions on approval of applications; to provide that the department may nullify its decisions under certain conditions; to provide for notice of banking location closings; to provide for corporate names; to provide for registered agents and offices; to clarify what constitutes acting as a fiduciary; to change provisions relating to real estate loans; to change provisions relating to the articles of incorporation and amendment; to provide for conditions on conversion; to provide for streamlined or alternative departmental approval procedures under certain conditions; to change provisions relating to mortgage broker and mortgage lender licenses; to change provisions relating to departmental examinations; to make conforming changes; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, is amended by adding between paragraphs (22) and (23) of Code Section 7-1-4, relating to definitions, a new paragraph (22.5) to read as follows:

“(22.5) ‘Main office’ means the principal banking location of a bank as such location appears in the records of the Department of Banking and Finance. If a bank does not designate a main office, the department shall choose a banking location of the bank to be the main office.”

SECTION 2.

Said chapter is further amended by striking paragraph (30) of Code Section 7-1-4, relating to definitions, and inserting in lieu thereof three new paragraphs to read as follows:

“(29.5) ‘Registered agent’ means the person or corporation on whom service of process is to be made in a proceeding against a bank. Written notice of any change in the identity or address of a bank’s registered agent must be delivered to the Department of Banking and Finance in addition to and at the same time as such notice is filed with the Secretary of State. The provisions of Part 1 of Article 5 of Chapter 2 of Title 14 shall apply to any such registered agent.

(30) ‘Registered office’ means the location of the registered agent and may be a banking location.

(30.5) ‘Retained earnings’ means the balance of the net profits, income, gains, and losses from the date of incorporation or from the latest date when a deficit was last eliminated of a financial institution whose articles were granted by the Secretary of State and excludes subsequent distributions to shareholders and transfers to appropriated retained earnings. Retained earnings shall also include any portion of paid-in capital or appropriated retained earnings or, in the case of other organizations, equivalent funds, allocated to retained earnings in mergers, consolidations, or acquisitions of all or substantially all of the property or assets of another such financial institution or other organization permitted by law.”

SECTION 3.

Said chapter is further amended by striking Code Section 7-1-7, relating to publication of notices or advertisements, and inserting in lieu thereof a new Code Section 7-1-7 to read as follows:

“7-1-7.

(a) ~~Except as otherwise expressly provided,~~ any notice or advertisement required by this chapter to be published in a newspaper shall be published once a week for four weeks in the newspaper which is, on the date of the first such publication, the official organ (as determined pursuant to Code Section 9-13-142) of the county which is or is to be the location of the ~~registered~~ main office of the financial institution.

(b) The department may waive or modify any requirement to publish a notice:

(1) In order to facilitate a merger, consolidation, or sale of assets pursuant to paragraph (3) of subsection (c) of Code Section 7-1-601, whether with an existing bank or a bank newly organized as a successor to a failing bank;

(2) ~~Whenever it determines that multiple publications are required to facilitate a series of transactions without commensurate public benefit being served by the second or other further publication of substantially the same transaction as was the subject of the first publication, or the public benefit is not significantly served by a second or subsequent publication in a situation where a series of transactions would otherwise require multiple publications;~~

(3) Where a similar publication required by another state or federal regulator serves substantially the same purpose;

(4) By regulation or order, whenever it determines that a lesser number of publications will reduce administrative burden and will adequately serve the public benefit of the notice; provided, however, in no event shall the regulation provide for the publication of a notice for less than once a week for two weeks or

(5) For other reasons of regulatory parity.

(c) The department may require proof of publication or modified publication having been completed prior to consummation of the underlying transaction.”

SECTION 4.

Said chapter is further amended by striking Code Section 7-1-67, relating to reports of examinations, and inserting in lieu thereof a new Code Section 7-1-67 to read as follows:

“7-1-67.

(a) Any official who shall make an examination pursuant to this chapter shall reduce the result thereof to writing in such form as shall be prescribed by the department. Such report shall contain a full, true, and correct statement of the condition of the financial institution in the case of a comprehensive examination or of the matter subject to inquiry in the case of other examinations.

(b) Each report shall be the property of the regulatory agency which generates such report; provided, however, that a copy of such report may be furnished to the examined financial institution for its internal, confidential use. A financial institution or any officer, director, or employee thereof shall not disclose a report or any portion of its contents. If a subpoena or discovery request is received for a report or any portion of its contents, the financial institution must deliver a copy of such subpoena or discovery request to the department immediately.”

SECTION 5.

Said chapter is further amended by striking subsection (c) of Code Section 7-1-68, relating to reports to the department, and inserting in lieu thereof a new subsection (c) to read as follows:

“(c) Every financial institution shall publish annually abstract summaries of two of its reports of condition designated for this purpose by the department and shall file proof of such publication with the department. Such publication shall be made only once in a newspaper of general circulation in the county of the ~~registered~~ main office of the institution. The department may waive this requirement, in whole or in part, with respect to financial institutions which make their financial statements readily available to the public, including their customer base, and with respect to a class of financial institutions which does not do business with the public generally and may limit the required publication to the customer base served by the institution.”

SECTION 6.

Said chapter is further amended by striking Code Section 7-1-70, relating to disclosure of information by the department, and inserting in lieu thereof a new Code Section 7-1-70 to read as follows:

“7-1-70.

(a) Records of the department, regardless of the medium by which stored, are confidential. Except as otherwise provided in subsection (b) of this Code section, this chapter, or departmental rule or regulation, and, notwithstanding the provisions of Article 4 of Chapter 18 of Title 50, such records shall not be open to inspection by or made available to the public. The commissioner and all other officials and employees of the department shall not disclose facts and information obtained in the course of their duties, including information obtained from examinations, investigations, and reports as required or authorized in this part. The department may, however, provide by rule, regulation, or order for public access to certain records which, in the opinion of the commissioner, do not contain sensitive information and from which disclosure the public would benefit.

(b) Subject to the exceptions, safeguards, and limitations contained in subsection (c) of this Code section, the restrictions of subsection (a) of this Code section shall not apply to disclosures:

- (1) Within the department or made to the Governor in the course of official duties;
- (2) Required by law, including disclosures required by subpoena or other legal process of a court or administrative agency having competent jurisdiction in legal proceedings where the financial institution is a party or where the information is not otherwise available upon direct subpoena of a financial institution;
- (3) In prosecutions or other court actions to which the department or the commissioner is a party;
- (4) Made to federal bank supervisory agencies, ~~or to the United States Department of Justice (including the Federal Bureau of Investigation), or to the United States Department of the Treasury, or to the Georgia Bureau of Investigation,~~ or local law enforcement authorities;
- (5) Made to any officer, attorney, or director of the financial institution involved or with the written consent of said financial institution;
- (6) Made in a summary of condition of financial institutions published by the department;
- (7) Of general economic and similar data considered by the department in regard to requests for new articles, new branches, changes in the location of facilities, or similar matters made to parties interested in the department's action in regard thereto; and

(8) Made to a financial institution concerning the past job performance of a prospective employee with the written consent of such prospective employee, provided such written consent shall not be required in circumstances provided for in Code Section 7-1-840.

(c) The following exceptions, safeguards, and limitations shall apply:

(1) Disclosures made under subsection (b) of this Code section shall be made, where appropriate, under safeguards designed to prevent further dissemination of confidential data; provided, however, that for disclosures of suspected criminal activity made under paragraph (4) of subsection (b) of this Code section, the confidentiality safeguards already in place within those agencies shall be considered adequate. Except for disclosures under paragraph (2) of subsection (b) of this Code section, the department shall not be required to make authorized disclosures where it deems such disclosures undesirable;

(2) All disclosures shall be limited to only those documents directly relevant to the inquiry or legal dispute at issue; and

(3) The documents listed below shall be considered absolutely privileged and confidential and shall be exempt from open inspection and not subject to disclosure by the department without a specific order of court pursuant to Code Section 7-1-90, which order specifically holds the public interest in the safety and soundness of the banking system and its regulation to be outweighed by other interests of justice. Such exempt documents shall include:

(A) Departmental internal investigations, documents, and notes which reflect the deliberative processes of employees;

(B) Opinions provided in confidence to the department regarding proposed new banks;

(C) Informal notes and memos of the department that are not purely factual in nature;

(D) Advisory opinions;

(E) Recommendations, summaries, and analyses that are utilized for departmental internal purposes and are not final orders or reports; and

(F) Other similar materials or notes.

(d) Notwithstanding any other provision of this Code section, the commissioner may, without waiving any privilege, authorize access to confidential supervisory information for any appropriate governmental, law enforcement, or other public purpose."

(e) Violation of this Code section shall be grounds for removal from office."

SECTION 7.

Said chapter is further amended by striking Code Section 7-1-76, relating to the department's ability to act on applications, and inserting in lieu thereof a new Code Section 7-1-76 to read as follows:

"7-1-76.

(a) Failure of the department to act within any of the time limits established by this chapter or regulations issued pursuant thereto shall not deprive the department of jurisdiction thereafter to act in regard to the matter involved without need for resubmission of any application, request, or similar action.

(b) Any action, application, or request requiring department approval under this chapter may be withdrawn by the applicant prior to department action thereon without prejudice to the applicant's right to resubmit such application at a later date. If such application has been forwarded to the department through the Secretary of State, the department shall notify the Secretary of State of any such withdrawal and that the application or request is no longer pending.

(c) The department may impose conditions on any approval, including but not limited to conditions designed to address competitive, financial, managerial, safety and soundness, convenience and needs, compliance, and other concerns, to ensure that such approval is consistent with the provisions of this chapter.

(d) The department may nullify a decision on any request, action, or application if:

- (1) The department becomes aware of any material misrepresentation or omission by the applicant;
- (2) The department is not promptly informed by the applicant of a subsequent material change in circumstances;
- (3) The decision is contrary to law, regulation, or departmental policy; or
- (4) The decision was granted due to clerical or administrative error or was based on a material mistake of law or fact."

SECTION 8.

Said chapter is further amended by striking subsection (h) of Code Section 7-1-91, relating to orders of the department, enforcement and penalties, and inserting a new paragraph (h) to read as follows:

"(h) The term 'financial institution' as used in this Code section shall include those entities required to be licensed pursuant to Article 4A of this chapter and any officer, director, employee, agent, or other person participating in the conduct of the affairs of the financial institution subject to the orders issued pursuant to this Code section."

SECTION 9.

Said chapter is further amended by adding following Code Section 7-1-111 a new Code Section 7-1-111.1 to read as follows:

"7-1-111.1

Before a financial institution may close a banking location, it must post at such location in a conspicuous place at least 30 days in advance of such closing a notice of intent to close. Such notice must remain posted for at least 30 consecutive days. Customers of a banking location shall be considered to have received notice if the requirements of this Code section have been met."

SECTION 10.

Said chapter is further amended by striking Code Section 7-1-130, relating to permissible names, and inserting a new Code Section 7-1-130 to read as follows:

"7-1-130.

(a) The name of a financial institution shall not contain the words 'Government,' 'Official,' 'Federal,' 'National,' or 'United States' or any abbreviation of any such words and shall not in the opinion of the department:

- (1) Resemble so closely the name of any other financial institution transacting business in the relevant financial market as to cause detriment or disadvantage to the financial institution already transacting business Be indistinguishable from the cor-

porate name of another financial institution conducting a banking business in this state as reflected in the records of the department; or

(2) Contain any word which may lead to the conclusion that the financial institution is authorized to perform any act or conduct any business which it is unauthorized or forbidden to perform by law, its articles, or otherwise.

(b) A financial institution may, without regard to subsection (a) of this Code section, use:

(1) Its name in use on April 1, 1975;

(2) A name in use on April 1, 1975, by another financial institution which is adopted by:

(A) A financial institution which is the resulting institution in a plan of merger or consolidation to which the institution using the name is a party; or

(B) A financial institution which is incorporated under this chapter in pursuance of a plan of segregating the banking business and the trust business of the institution using the name; or

(3) A name of another financial institution or resembling that of another financial institution already transacting business with the consent of the latter institution, provided that the names are distinguishable in the records of the Secretary of State."

SECTION 11.

Said chapter is further amended by striking Code Section 7-1-131, relating to reservation of a name, and inserting in lieu thereof a new Code Section 7-1-131 to read as follows:

"7-1-131.

(a) The exclusive right to use a corporate name permitted to be used by a financial institution may be reserved by a person intending to incorporate such an institution, or by a corporation intending to engage in business in this state as a financial institution, or by a financial institution intending to change its name, or by a national bank, a federal credit union, or a savings and loan association intending to convert into a financial institution organized under the laws of this state.

(b) Such reservation may be made by filing with the department an a letter form application in duplicate to reserve a specified name. If the department concludes that the use of the name complies with the requirements of Code Section 7-1-130, and is otherwise consistent with the purposes and provisions of this chapter, and is distinguishable upon the records of the Secretary of State from the name of any other corporation, limited partnership, or professional association, it shall reserve approve the name and notify the Secretary of State of to issue such name reservation.

(c) The right to the exclusive use of a name reserved pursuant to this Code section may be transferred to anyone who would be entitled to reserve such name under this Code section except for such prior reservation by filing with the department a notice of the transfer which shall be executed by the transferor who reserved the name and which shall set forth the name and address of the transferee. The department shall send a copy of such notice to the Secretary of State.

(d) ~~The department may revoke any reservation if, after hearing, the department finds that the application therefor or any transfer was not made in good faith or otherwise not in conformity with law.~~

(e) Notwithstanding any other provisions of law, the process set forth in this Code section shall be the exclusive process for reserving the corporate name of a financial institution.”

SECTION 12.

Said chapter is further amended by striking Code Section 7-1-132, relating to registered offices, and inserting in lieu thereof a new Code Section 7-1-132 to read as follows:

“7-1-132.

(a) Every financial institution shall continuously maintain a registered agent and a registered office. Such agent and office shall be located in a county in this state where the financial institution is authorized to conduct its general business; and, in the case of financial institutions subject to Chapter 2 or 3 of Title 14, such agent and office shall be the same office as its registered office as is required under those chapters.

(b) Not later than ~~April 1, 1975~~ September 30, 1998, every financial institution shall file with the department a statement designating the name of its registered agent and the place of its registered office by street, post office address, and county. In the event of the failure of an institution to file said statement, the registered agent shall be the chief executive officer of the bank and the registered office of the institution shall be as designated by the department the business address where the chief executive officer is located.

(c) A financial institution may change, (and a new financial institution may establish), its registered agent and the location of its registered office by filing a statement with the department designating the name of the new registered agent or the street, post office address, and county of its new registered office or both, provided that no change in the registered agent or office shall affect actions or proceedings commenced before the time of said change.

(d) Nothing contained in this Code section shall affect the obligation of a financial institution to file information with the Secretary of State.”

SECTION 13.

Said chapter is further amended by striking Code Section 7-1-242, relating to restrictions on corporate fiduciaries, and inserting in lieu thereof a new Code Section 7-1-242 to read as follows:

“7-1-242.

(a) No corporation, partnership, or other business association may lawfully act as a fiduciary in this state except:

- (1) A financial institution authorized to act in such capacity pursuant to the provisions of Georgia law;
- (2) A trust company;
- (3) A national bank or a state bank located lawfully doing a banking business in this state and authorized to act as a fiduciary under the laws of the United States or another state;
- (4) A savings bank or savings and loan association located lawfully doing a banking business in this state and authorized to act as a fiduciary under the laws of the United States or another state;
- (5) Attorneys at law licensed to practice in this state, whether incorporated as a professional corporation or otherwise;

(6) An investment adviser registered pursuant to the provisions of 15 U.S.C. 80b-3 or Code Section 10-5-3, provided this exception shall not authorize an investment adviser to act in any fiduciary capacity subject to the provisions of Title 53, relating to wills, trusts, and the administration of estates; or

(7) A securities broker or dealer registered pursuant to the provisions of 15 U.S.C. 78o or Code Section 10-5-3 acting in such fiduciary capacity incidental to and as a consequence of its broker or dealer activities.

(b) Acting as a fiduciary for purposes of this Code section includes but is not limited to:

(1) Accepting or executing trusts or otherwise acting as a trustee;

(2) Administering real or tangible personal property located in Georgia or elsewhere. For the purposes of this paragraph, 'administer' means to possess, purchase, sell, lease, insure, safekeep, manage, or otherwise oversee; and

(3) Acting pursuant to a court order as personal representative, executor, or administrator of the estate of a deceased person or as guardian or conservator for a minor or incapacitated person.

(c) Nothing in this chapter shall be construed to repeal or to change Part 2 of Article 16 of Chapter 12 of Title 53, dealing with foreign trustees, or Part 3 of Article 16 of Chapter 12 of Title 53, dealing with certain foreign corporations acting as fiduciaries, or any other statutes or rules of law on such subjects."

SECTION 14.

Said chapter is further amended by striking Code Section 7-1-286, relating to real estate loans, and inserting in lieu thereof a new Code Section 7-1-286 to read as follows:

"7-1-286.

(a) Except as provided in subsection (b) of this Code section, a bank shall make a loan secured by improved or unimproved real estate (including a leasehold) only where such loan is:

(1) Secured by a mortgage, deed of trust, security deed, or similar instrument providing a first lien or a first security title or is otherwise secured in accordance with regulations prescribed by the department;

(2) For not more than 75 percent of the fair market value of the real estate in the case of a single maturity loan or for not more than ~~90~~ 95 percent of the fair market value of the real estate in the case of loans that must be regularly amortized; provided, however, that these limitations shall not apply to:

(A) Any loan secured by real estate made to finance construction of an improvement or development, in which case the amount of the loan shall not exceed 100 percent of the estimated completed value of the improvements;

(B) Any loan which the federal housing administrator insures or makes a commitment to insure;

(C) Any loan which the secretary of veterans affairs guarantees or makes a commitment to guarantee; or

(D) Any loan secured by a mortgage, deed of trust, security deed, or similar instrument providing for a nonpurchase money lien on residential real property owned and occupied by the borrower, provided that such loan may not exceed 100

percent of the fair market value of the real estate after deducting all outstanding liens on the property; or

(E) Any other type of loan or a portion thereof with respect to which the department determines that banks may safely extend loans in excess of the foregoing limitations;

(3) Conforms with requirements as to duration, amortization, appraisal, insurance, and documentation, as may be prescribed by regulation of the department.

(b) The limitations of subsection (a) of this Code section shall not apply to:

(1) An investment security acquired pursuant to Code Section 7-1-287;

(2) A loan in connection with which the bank takes a real estate lien as security in the exercise of banking prudence but as to which it is relying for repayment on:

(A) The general credit of the obligor or of an installment buyer or of a lessee of the real estate;

(B) Collateral other than the real estate lien;

(C) A guaranty or an agreement to take over or purchase the loan, in the event of default, by a financially responsible person other than a person engaged in the business of guaranteeing real estate loans; or

(D) An agreement by a financially responsible person to take over or purchase the loan, or to provide funds for payment thereof, within a period of two years from the date of the loan;

and there is a certificate of reliance setting forth the applicable facts.

(c) For the purpose of this Code section, a 'leasehold' shall mean the interest, which is security for a loan, of a lessee of real estate under a lease which on the date of the loan has an unexpired term extending at least ten years beyond the maturity of the loan or contains a right of renewal, which may be exercised by the bank, extending at least ten years beyond the maturity of the loan.

~~(d) The aggregate amount of all loans by a bank subject to the requirements of subsection (a) of this Code section shall not at any time exceed the greater of:~~

~~(1) The statutory capital base of the bank, or~~

~~(2) The total time and savings deposits of the bank.~~

(e) Notwithstanding any other provisions of this chapter and otherwise subject to regulations of the department, a bank or trust company may acquire, directly or indirectly, an ownership interest in real estate incidental to the financing of the purchase, development, or improvement of such real estate, provided:

(1) The amount of such ownership interest shall not exceed 25 percent of the appraised value of the real estate;

(2) The amount of such ownership interest when aggregated with the amount financed shall not exceed the limitations prescribed by this Code section and Code Section 7-1-285;

(3) The ownership interest shall be terminated upon substantial repayment of the financing in the manner prescribed in Code Section 7-1-263, relating to the divestiture of real estate interest; and

(4) Any time real estate owned by a bank or trust company pursuant to the provisions of Section 4 of this Act is held or disposed of pursuant to the provisions of

Code Section 7-1-263, said action to hold or dispose shall be reported in writing annually to the stockholders. Said report shall include disclosure of any real estate acquired by foreclosure or the taking by a deed in lieu of foreclosure and the name or names of the corporation or individuals from whom title was taken.”

SECTION 15.

Said chapter is further amended by striking Code Section 7-1-392, relating to the contents, filing, advertisement, and notice of articles of incorporation, and inserting in lieu thereof a new Code Section 7-1-392 to read as follows:

“7-1-392.

(a) The articles of incorporation shall be signed by each of the incorporators and shall set forth in the English language:

- (1) The name of the bank or trust company;
- (2) The street address and county in which it where the main office will be located;
- (3) For institutions chartered after July 1, 1998, the name of the initial registered agent;
- (4) The location street address where its initial registered office will be located;
- ~~(4)~~(5) A brief statement of the purpose or purposes for which it is incorporated, that it is incorporated under this chapter, and whether it shall be solely a bank, solely a trust company, or both a bank and trust company;
- ~~(5)~~(6) The term for which it is to exist, which shall be perpetual unless otherwise limited;
- ~~(6)~~(7) The aggregate number of shares which the bank or trust company shall have authority to issue, and
 - (A) If the shares are to consist of one class only, the par value of each of the shares; or
 - (B) If the shares are to be divided into classes, the number of shares of each class, the par value of each share of each class, a description of each class, and a statement of the preferences, redemption provisions, qualifications, limitations, restrictions, and the special or relative rights granted to or imposed upon the shares of each class;
- ~~(7)~~(8) The name, place of residence, and post office address of each incorporator;
- ~~(8)~~(9) The name, occupation, citizenship, place of residence, and post office address of each of the first directors, which number shall not be less than five; and
- ~~(9)~~(10) Any provision not inconsistent with law which the incorporators may choose to insert for the regulation of the internal affairs and business of the bank or trust company.

(b) It shall not be necessary to set forth in the articles any of the corporate or operational powers set forth in this chapter.

(c) The incorporators shall file with the department, in triplicate, the articles, together with the fee required by Code Section 7-1-862. Such filing shall constitute an application for a certificate of incorporation. Immediately upon the filing of the articles, the department shall certify one copy thereof and return it to the applicants, who shall, in conformity with Code Section 7-1-7 and on the next business day following the filing of the articles, cause to be published a transmit for publication a copy of the articles or, in lieu thereof, a statement in substantially the following form:

'An application for a certificate of incorporation of a (bank, trust company, or bank and trust company) to be known as the _____ and to be located at _____ in _____ County, Georgia, will be made to the Secretary of State of Georgia by (names and addresses of incorporators) in accordance with the applicable provision of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, known as the 'Financial Institutions Code of Georgia.' A copy of the articles of incorporation of said proposed (bank, trust company, or bank and trust company) and the application have been filed with the Department of Banking and Finance. The following persons have been proposed as the initial directors: (names and addresses of proposed directors).'

to the newspaper which is the official organ of the county where the main office will be located. The articles or the statement must be published once a week for two consecutive weeks with the first publication occurring within ten days of receipt by the newspaper of the articles or statement.

(d) A registered agent shall be named for each financial institution that is a corporation, and each financial institution shall inform the department and the Secretary of State of its current registered agent."

SECTION 16.

Said chapter is further amended by striking subsection (c) of Code Section 7-1-394, relating to departmental investigation, approval, and disapproval, and inserting in lieu thereof two new subsections to read as follows:

"(b.1) The procedure and criteria used in the review of a request to establish an additional banking location pursuant to Code Sections 7-1-601 and 7-1-602 may be streamlined and abbreviated as provided by departmental rule, regulation, or written policy.

(c) Nothing contained in this Code section, or in Code Section 7-1-608, or Code Section 7-1-622 shall limit the authority of the department to approve the organization of a special purpose bank or trust company which does not do a general banking business with the public but is organized for the purpose of conducting a limited banking business which facilitates the economic, commercial, or export-import trade growth of this state. The department may establish, by rule or by condition to its approval of articles of incorporation of any special bank or of any credit card bank incorporated under the provisions of Chapter 5 of this title, such special provisions concerning distribution of ownership, composition of the board of directors, bylaws, or the conduct of corporate affairs for any such special purpose bank or credit card bank incorporated under the provisions of Chapter 5 of this title as it determines to be consistent with the special nature of such charters and their efficient operation and safe and sound banking practice; provided, however, in no event shall fewer than a majority of the directors of such special purpose bank or credit card bank be residents of this state."

SECTION 17.

Said chapter is further amended by striking subsection (d) of Code Section 7-1-396, relating to the effect of a certificate of incorporation, and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) The department shall issue to a bank or trust company a permit to begin business when:

- (1) Capital stock of the bank or trust company shall have been fully paid in, in cash, and in no event in an amount less than the minimum capital stock for banks

or trust companies under Code Section 7-1-410, and, in addition, there shall have been paid in:

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- (A) Paid-in capital in an amount not less than 20 percent of the capital stock;
 - (B) An expense fund in an amount fixed by the department which shall not be less than 5 percent of the capital stock; and
 - (C) The proceeds of subordinated securities, if any, which were considered part of the capital structure of the bank or trust company by the department under Code Section 7-1-419 in giving its approval of the proposed institution;
- (2) All of the directors have taken the oath or affirmation required by Code Section 7-1-484;
 - (3) The bylaws of the bank or trust company have been filed with the department;
 - (4) The bank or trust company has designated its registered agent and registered office pursuant to Code Section 7-1-132;
 - (5) The bank or trust company has been organized and is ready to begin the business for which it was incorporated;
 - (6) All conditions imposed by the department in giving its approval of the proposed bank or trust company under Code Section 7-1-394 have been satisfied; and
 - (7) The department has received an affidavit signed by the president or secretary and by at least a majority of the directors of the bank or trust company to the effect that all of the foregoing requirements of this subsection have been satisfied."

SECTION 18.

Said chapter is further amended by striking Code Section 7-1-410, relating to minimum capital stock, and inserting in lieu thereof a new Code Section 7-1-410 to read as follows:

"7-1-410.

- (a) Except as provided in subsections (b) and (c) of this Code section, the minimum capital stock of a de novo bank or trust company shall be \$3 million.
- (b) A de novo bank or trust company whose ~~registered~~ main office is located in a county with a population of less than 200,000, according to the last official United States census, shall have a minimum capital stock of \$2 million.
- (c) A bank or trust company existing on July 1, 1989, with a capital stock of less than that required by subsections (a) and (b) of this Code section shall not be required to increase its capital stock above the amount outstanding on July 1, 1989, except as otherwise provided by law."

SECTION 19.

Said chapter is further amended by striking subsection (a) of Code Section 7-1-432, relating to meetings of shareholders, and inserting in lieu thereof a new subsection (a) to read as follows:

- "(a) Meetings of the shareholders of a bank or trust company shall be held at such place within or without the state as shall be fixed by the bylaws or by the board of directors pursuant to the bylaws or, if not so fixed, at the ~~registered~~ main office of the bank or trust company."

SECTION 20.

Said chapter is further amended by striking subsection (a) of Code Section 7-1-439, relating to books and records, and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) Each bank and trust company shall keep correct and complete books and records of account and shall keep minutes of the proceedings of its shareholders, board of directors, and committees of directors; and each bank and trust company shall keep at its registered office or ~~principal place of business~~ main office or at the office of its transfer agent or registrar a record of its shareholders, giving the names and addresses of all shareholders and the number, class, and series, if any, of the shares held by each.”

SECTION 21.

Said chapter is further amended by striking Code Section 7-1-510, relating to authorized amendments and restatements of articles, and inserting in lieu thereof a new Code Section 7-1-510 to read as follows:

“7-1-510.

(a) A bank or trust company may, in the manner provided in this part, amend its articles at any time in order to make any change therein which would then be authorized for inclusion in original articles under this chapter, including without limitation an amendment:

- (1) To adopt a new name permitted to be used under this chapter;
- (2) To renew the term for which it is to exist or to provide for perpetual duration;
- (3) To change, add to, or diminish the statement of its purpose or purposes;
- (4) To increase or diminish the aggregate number of shares which it has authority to issue or to reclassify the shares by changing the number, par value, designations, preferences, redemption provisions, or relative, participating, optional, or other special rights of the shares or the qualifications, limitations, or restrictions of such rights, either with or without an increase or decrease in the number of shares;
- (5) To restate the articles in their entirety;
- (6) To change its main office location to a new location in the same county;
- (7) To change its main office location from one county to another, provided that, unless the bank or trust company already lawfully has offices in both counties, it may not retain banking or trust offices in the county from which it is moving; or
- (8) In the case of a bank, to become a trust company and, in the case of a trust company, to become a bank, with or without retaining an existing capacity to engage in the banking or trust business as the case may be.

(b) Articles restated in their entirety shall state the county of the current instead of the original ~~place of business~~ main office of the bank or trust company and need not state the names or other information concerning the first directors or the incorporators.

(c) Articles need not be amended for the addition or change of a registered agent or the change of a registered office. The bank or trust company shall, however, notify in writing the department and the Secretary of State of such changes.”

SECTION 22.

Said chapter is further amended by striking Code Section 7-1-512, relating to the execution, contents, filing, and effect of the articles of amendment, and inserting in lieu thereof a new Code Section 7-1-512 to read as follows:

“7-1-512.

(a) Upon the adoption of an amendment, articles of amendment shall be signed by two duly authorized officers of the bank or trust company under its seal and shall contain:

- (1) The name of the bank or trust company;
- (2) The city street address and county of its registered main office;
- (3) Whether it was incorporated with banking or trust powers or both;
- (4) The time and place of the meeting of shareholders at which the shareholders approved the resolution of the board of directors, as originally proposed or as amended, and the kind and period of notice given to the shareholders;
- (5) The number of shares entitled to vote on the amendment and, if the shares of any class are entitled to vote as a class, the number of shares of each such class;
- (6) The number of shares voted for and against the amendment and, if shares of any class are entitled to vote as a class, the number of shares of each such class voted for and against the amendment; and
- (7) The amendment adopted, which shall be set forth in full.

(b) The articles of amendment shall be filed with the department in triplicate together with:

- (1) The fee required by Code Section 7-1-862; and
- (2) As soon as possible, a publisher’s affidavit as proof of publication of the advertisement required by Code Section 7-1-513.

(c) The filing of articles of amendment shall constitute an application for a certificate of amendment. If the articles of amendment involve a change in the name of a bank or trust company, it shall reserve the proposed new name under the procedures of Code Section 7-1-131.”

SECTION 23.

Said chapter is further amended by striking Code Section 7-1-513, relating to the certification, delivery, and publication of articles of amendment, and inserting in lieu thereof a new Code Section 7-1-513 to read as follows:

“7-1-513.

When the articles of amendment are filed, the department shall certify one of the copies thereof and deliver the same to the bank or trust company. The bank or trust company, ~~in conformity with Code Section 7-1-7,~~ shall cause to be published in a publication as specified in the rules, regulations, or written policies of the department a copy of the articles of amendment or, in lieu thereof, a statement in substantially the following form:

NOTICE OF AMENDMENT

An application for a certificate of amendment of its articles of incorporation has been made by (name of bank or trust company) by filing such application with the Department of Banking and Finance in accordance with the applicable provisions of Chapter 1 of Title 7 of the Official Code of Georgia Annotated, known as the ‘Finan-

cial Institutions Code of Georgia.' The (purpose)(purposes) of said articles of amendment (is)(are)(state the purpose of each amendment affected by the articles of amendment).

The articles of amendment or the statement must be published once a week for two consecutive weeks with the first publication occurring within ten days of receipt by the newspaper of the articles of amendment or statement."

SECTION 24.

Said chapter is further amended by striking subsection (d) of Code Section 7-1-532, relating to the execution, filing, contents, and notice of articles of merger or consolidation, and inserting in lieu thereof a new subsection (d) to read as follows:

"(d) No later than the next business day after filing the articles of merger or consolidation with the department, the parties shall mail or deliver to the publisher of a newspaper which is the official organ of the county where the ~~registered~~ or main office of each party is located a notice which shall contain a statement that the articles of merger or consolidation have been filed with the department, the names of the institutions which are parties to the proposed merger or consolidation, and the proposed name of the surviving bank or trust company and shall designate a place where a copy of the articles of merger or consolidation may be examined. Subsections (b) and (c) of Code Section 7-1-7 shall also apply to the notice."

SECTION 25.

Said chapter is further amended by striking Code Section 7-1-555, relating to national to state bank or trust company conversions, mergers, and consolidations, and inserting in lieu thereof a new Code Section 7-1-555 to read as follows:

"7-1-555.

(a) Issuance of a certificate of merger or consolidation shall have the same effect stated in Code Section 7-1-536.

(b) Issuance of a certificate of conversion shall have the following effect:

- (1) As of the issuance of the certificate of conversion by the Secretary of State, the conversion shall become effective;
- (2) The certificate of conversion shall be conclusive evidence of the performance of all conditions required by this chapter for conversion of a national bank into a state bank or trust company, except as against the state;
- (3) When a conversion becomes effective, the existence of the national bank shall continue in the resulting bank or trust company which shall have (except as provided in paragraph (2) of this subsection), without further act or deed, all the property, rights, powers, trusts, duties, and obligations of the national bank;
- (4) The articles of the resulting institution shall be the provisions stated in the articles of conversion;
- (5) The bank or trust company shall have the authority to engage only in such business and exercise only such powers as are then permissible upon original incorporation under this chapter and shall be subject to the same prohibitions and limitations as it would then be subject to upon original incorporation; provided, however, that if the converting institution owns or holds assets or engages in any business that would not be allowed of a state bank, then the plan of conversion shall include a plan for disposal of such assets or the termination of such business within a reasonable time but in no event longer than four years from the date of conversion; and

(6) No liability of the national bank or of its shareholders, directors, or officers shall be affected, nor shall any lien on any property of the national bank be impaired, by the conversion. Any claim existing or action pending by or against the national bank may be prosecuted to judgment as if the conversion had not taken place, or the resulting bank or trust company may be substituted in its place.”

SECTION 26.

Said chapter is further amended by striking subsection (b) of Code Section 7-1-605, relating to definitions applicable to bank holding companies and when a company is deemed to control shares, and inserting in lieu thereof a new subsection (b) to read as follows:

“(b) As used in this Code section and in Code Sections 7-1-606 through 7-1-608, the term:

(1) ‘Bank’ means the same as defined in Code Section 7-1-600.

(2) ‘Company’ means any corporation, partnership, business trust, association, or similar organization, or any other trust unless by its terms it must terminate within 25 years or not later than 21 years and ten months after the death of individuals living on the effective date of the trust, but shall not include any corporation the majority of the shares of which are owned by the United States or by any state or any qualified family partnership as defined in the federal Bank Holding Company Act of 1956, as amended.

(3) ‘Subsidiary,’ with respect to a specified bank holding company, means:

(A) Any company 25 percent or more of whose voting shares (excluding shares owned by the United States or by any company wholly owned by the United States) is directly or indirectly owned or controlled by such bank holding company or is held by it with power to vote;

(B) Any company the election of a majority of whose directors is controlled in any manner by such bank holding company; or

(C) Any company with respect to the management or policies of which such bank holding company has the power, directly or indirectly, to exercise a controlling influence, as determined by the commissioner after notice and opportunity for hearing.

(4) ‘Successor’ shall include any company which acquires directly or indirectly from a bank holding company shares of any bank, when and if the relationship between such company and the bank holding company is such that the transaction effects no substantial change in the control of the bank or beneficial ownership of such shares of such bank. The commissioner may, by regulation, further define the term ‘successor’ to the extent necessary to prevent evasion of the purposes of this part.”

SECTION 27.

Said chapter is further amended by striking Code Section 7-1-606, relating to unlawful actions of bank holding companies and exceptions, and inserting in lieu thereof a new Code section 7-1-606 to read as follows:

“7-1-606.

(a)(1) On and after July 1, 1976, it shall be unlawful, except with the prior approval of the commissioner:

(A) For any action to be taken that causes any company to become a bank holding company;

(B) For any action to be taken that causes a bank to become a subsidiary of a bank holding company;

(C) For any bank holding company to acquire direct or indirect ownership or control of any voting shares of any bank if, after such acquisition, such company will directly or indirectly own or control more than 5 percent of the voting shares of such bank;

(D) For any bank holding company or subsidiary thereof, other than a bank, to acquire all or substantially all of the assets of a bank;

(E) For any bank holding company to merge or consolidate with any other bank holding company; or

(F) For any bank holding company to take any action which would violate the Federal federal Bank Holding Company Act of 1956, as amended.

(2) Notwithstanding paragraph (1) of this subsection, this prohibition shall not apply to:

(A) Shares acquired by a bank:

(i) In good faith in a fiduciary capacity, except where such shares are held under a trust that constitutes a company as defined in paragraph (2) of subsection (b) of Code Section 7-1-605 and except as provided in paragraphs (2) and (3) of subsection (c) of Code Section 7-1-605; or

(ii) In the regular course of securing or collecting a debt previously contracted in good faith, but any shares acquired after July 1, 1976, in securing or collecting any such previously contracted debt shall be disposed of within a period of two years from the date on which they were acquired; or

(B) Additional shares acquired by a bank holding company in a bank in which such bank holding company owned or controlled a majority of the voting shares prior to such acquisition; or

(C) Transactions for which the department has established by rule, regulation, or written policy a streamlined or alternative procedure, if such procedure specifically dispenses with the need for approval by the commissioner.

For the purpose of this paragraph, bank shares acquired after July 1, 1976, shall not be deemed to have been acquired in good faith in a fiduciary capacity if the acquiring bank or company has sole discretionary authority to exercise voting rights with respect thereto; but, in such instances, acquisitions may be made without prior approval of the commissioner if the commissioner, upon application filed within 90 days after the shares are acquired, approves retention or, if retention is disapproved, the acquiring bank disposes of the shares or its sole discretionary voting rights within two years after issuance of the order of disapproval.

(b)(1) The commissioner shall not approve nor shall any other procedure authorize:

(A) Any acquisition or merger or consolidation under this Code section which would result in a monopoly or which would be in furtherance of any combination or conspiracy to monopolize or to attempt to monopolize the business of banking in any part of the State of Georgia; or

(B) Any other proposed acquisition or merger or consolidation under this Code section whose effect in any section of the state may be substantially to lessen competition, or to tend to create a monopoly, or which in any other manner would be in restraint of trade, unless it finds that the anticompetitive effects of the pro-

posed transaction are clearly outweighed in the public interest by the probable effect of the transaction in meeting the convenience and needs of the community to be served.

(2) In every case, the commissioner department shall take into consideration the financial and managerial resources and future prospects of the company or companies and the banks concerned and the convenience and needs of the community to be served.

(c) Nothing contained in this Code section shall affect the obligation of any person or company to comply with the provisions of any order of any court or of the commissioner entered prior to July 1, 1976.

(d) The commissioner shall not grant any such contemplated approval until he shall first cause reasonable public notice of the proposed action to be given in the area to be affected and until he shall first afford to the public an opportunity to submit, for the commissioner's consideration, information, objections, and opinions as to the proposed action and its effect. The notice requirement may not apply in the case of a streamlined procedure where the holding company meets certain qualifying criteria established by rule, regulation, or written policy of the department.

(e) Notwithstanding any other provisions of this part, a bank holding company which lawfully controls a bank or has received the requisite approvals under this Code section to acquire control of a bank may, with the approval of the commissioner, or as otherwise provided in this chapter or by departmental rule or regulation, either at the time such control is obtained or at any time thereafter, merge or consolidate such bank with another of such bank holding company's banking subsidiaries or have another of such bank holding company's banking subsidiaries acquire all or substantially all of the assets of such bank and consequently operate as a branch of such other banking subsidiary. Nothing in this subsection shall be deemed to supersede, rescind, or modify any provision, requirement, or condition of this Code section which would otherwise be applicable to any acquisition of a banking subsidiary by a bank holding company under this Code section, nor shall it be deemed to supersede, rescind, or modify any provision, requirement, or condition of Part 14, 15, or 16 of this article which would otherwise be applicable to any merger of banks or the acquisition or any sale of all or substantially all of the assets of a bank."

SECTION 28.

Said chapter is further amended by striking subsection (b) of Code Section 7-1-1002, relating to the prohibition on and penalties for transacting business as a mortgage broker or mortgage lender without a license or exemption, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b) On and after July 1, 1995, it is prohibited for any person, as defined in Code Section 7-1-1000, including a corporation but not including any natural person who purchases five or fewer mortgage loans in any one calendar year, knowingly to purchase, sell, or transfer one or more mortgage loans from or to a mortgage broker or mortgage lender who is neither licensed nor exempt from the licensing or registration provisions of this article. Such a purchase shall not affect the obligation of the borrower under the terms of the mortgage loan. The department shall provide for distribution or availability of information regarding approved or revoked licenses."

SECTION 29.

Said chapter is further amended by striking subsections (e) and (h) through (i) from Code Section 7-1-1004, relating to investigations of and requirements relative to an applicant for a mortgage broker or mortgage lender license or registration, and inserting in lieu thereof four new subsections to read as follows:

“(e) The department may not issue or may revoke a license if it finds that the applicant, or any person who is a director, officer, partner, agent, employee, or ultimate equitable owner of 10 percent or more of the applicant, has been convicted of a felony involving moral turpitude in any jurisdiction or of a crime which, if committed within this state, would constitute a felony involving moral turpitude under the laws of this state. For the purposes of this article, a person shall be deemed to have been convicted of a crime if such person shall have pleaded guilty to a charge thereof before a court or federal magistrate, or shall have been found guilty thereof by the decision or judgment of a court or federal magistrate or by the verdict of a jury, irrespective of the pronouncement of sentence or the suspension thereof, unless such plea of guilty, or such decision, judgment, or verdict, shall have been set aside, reversed, or otherwise abrogated by lawful judicial process or unless the person convicted of the crime shall have received a pardon therefor from the President of the United States or the Governor or other pardoning authority in the jurisdiction where the conviction was had, or shall have received a certificate of good conduct granted by the State Board of Pardons and Paroles pursuant to the provisions of the executive law to remove the disability under this subsection because of such conviction.”

“(h) The department shall not issue a license to and may revoke a license from an applicant or licensee if such person employs any other person against whom a final cease and desist order has been issued within the preceding 12 months, if such order was based on a violation of Code Section 7-1-1013 or based on the conducting of a mortgage business without a required license, or whose license has been revoked within 12 months of the date such person was hired.

(i) Within 90 days after receipt of a completed application and payment of licensing fees prescribed by this article, the department shall either grant or deny the request for license.

(j) A person shall not be indemnified for any act covered by this article or for any fine or penalty incurred pursuant to this article as a result of any violation of the law or regulations contained in this article, due to the legal form, corporate structure, or choice of organization of such person, including but not limited to a limited liability corporation.”

SECTION 30.

Said chapter is further amended by striking Code Section 7-1-1009, relating to books, accounts, and records, and investigation and examination of mortgage broker and mortgage lender licensees and registrants, and inserting in lieu thereof a new Code Section 7-1-1009 to read as follows:

“7-1-1009.

(a) Any person required to be licensed or registered under this article shall maintain in its offices or such other location as the department shall permit such books, accounts, and records as the department may reasonably require in order to determine whether such person is complying with the provisions of this article and rules and regulations adopted in furtherance thereof. Such books, accounts, and records shall be

maintained apart and separate from any other business in which such person is involved.

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(b) The department may, by its designated officers and employees, as often as it deems necessary, but at least once every 24 months, investigate and examine the affairs, business, premises, and records of any person required to be licensed or registered under this article insofar as they such affairs, business, premises, and records pertain to any business for which a license or registration is required by this article. Notwithstanding the provisions of this subsection, the department has the discretion to examine a person less frequently, provided that its record of complaints, comments, or other information demonstrates that person's ability to meet the standards of Code Sections 7-1-1003 and 7-1-1004. In the case of registrants, the department shall not be required to conduct such examinations if it determines that the registrant has been adequately examined by ~~a federal~~ another bank regulatory agency. In order to avoid unnecessary duplication of examinations, the department may accept examination reports performed and produced by other state or federal agencies, unless the department determines that the examinations are not available or do not provide information necessary to fulfill the responsibilities of the department under this article.

(c) The department, at its discretion, may:

(1) Make such public or private investigations within or outside of this state as it deems necessary to determine whether any person has violated or is about to violate this article or any rule, regulation, or order under this article, to aid in the enforcement of this article, or to assist in the prescribing of rules and regulations pursuant to this article;

(2) Require or permit any person to file a statement in writing, under oath or otherwise as the department determines, as to all the facts and circumstances concerning the matter to be investigated; and

(3) Disclose information concerning any violation of this article or any rule, regulation, or order under this article, provided the information is derived from a final order of the department.

(d)(1) For the purpose of conducting any investigation as provided in this Code section, the department shall have the power to administer oaths, to call any party to testify under oath in the course of such investigations, to require the attendance of witnesses, to require the production of books, records, and papers, and to take the depositions of witnesses; and for such purposes the department is authorized to issue a subpoena for any witness or for the production of documentary evidence. Such subpoenas may be served by certified mail, return receipt requested, to the addressee's business mailing address, by examiners appointed by the department, or shall be directed for service to the sheriff of the county where such witness resides or is found or where the person in custody of any books, records, or paper resides or is found. The required fees and mileage of the sheriff, witness, or person shall be paid from the funds in the state treasury for the use of the department in the same manner that other expenses of the department are paid.

(2) The department may issue and apply to enforce subpoenas in this state at the request of a government agency regulating mortgage lenders or brokers of another state if the activities constituting the alleged violation for which the information is sought would be a violation of this article if the activities had occurred in this state.

(e) In case of refusal to obey a subpoena issued under this article to any person, a superior court of appropriate jurisdiction, upon application by the department, may issue

to the person an order requiring him or her to appear before the court to show cause why he or she should not be held in contempt for refusal to obey the subpoena. Failure to obey a subpoena may be punished as contempt by the court.

(f) Examinations and investigations conducted under this article and information obtained by the department in the course of its duties under this article are confidential, except as provided in this subsection, pursuant to the provisions of Code Section 7-1-70. In addition to the exceptions set forth in subsection (b) of Code Section 7-1-70 and in paragraph (3) of subsection (c) of this Code section, the department is authorized to share information obtained under this article with other state and federal regulatory agencies or law enforcement authorities. In the case of such sharing, the safeguards to confidentiality already in place within such agencies or authorities shall be deemed adequate. Information contained in the records of the department which is not confidential and may be made available to the public upon receipt by the department of a written request shall include the name, business address, and license number of a licensee or registrant and the owner or owners thereof, the name and business address of a licensee's or registrant's agent for service, and the terms of or a copy of any bond filed by a licensee or registrant.

(g) In the absence of malice, fraud, or bad faith, a person is not subject to civil liability arising from the filing of a complaint with the department or furnishing other information required by this Code section or required by the department under the authority granted in this article. No civil cause of action of any nature shall arise against such person:

- (1) For any information relating to suspected prohibited acts furnished to or received from law enforcement officials, their agents, or employees;
- (2) For any such information furnished to or received from other persons subject to the provisions of this title; or
- (3) For any such information furnished in complaints filed with the department.

(h) The commissioner or any employee or agent is not subject to civil liability, and no civil cause of action of any nature exists against such persons arising out of the performance of activities or duties under this article or by publication of any report of activities under this Code section."

SECTION 31.

Said chapter is further amended by striking Code Section 7-1-1017, relating to suspension or revocation of a mortgage broker or mortgage lender license, and inserting in lieu thereof a new Code Section 7-1-1017 to read as follows:

"7-1-1017.

(a) The department may suspend or revoke an original or renewal license or registration on any ground on which it might refuse to issue an original license or registration or for a violation of any provision of this article or any rule or regulation issued under this article, including failure to provide fees on a timely basis, or for failure of the licensee or registrant to pay, within 30 days after it becomes final, a judgment recovered in any court within this state by a claimant or creditor in an action arising out of the licensee's or registrant's business in this state as a mortgage lender or mortgage broker. In addition to the foregoing, where an applicant or licensee has been found not in compliance with an order for child support as provided in Code Section 19-6-28.1 or 19-11-9.3, such action is sufficient grounds for refusal of a license or suspension of a license. In such actions, the hearing and appeal procedures provided for in

those Code sections shall be the only such procedures required under this article. The department shall be permitted to share, without liability, information on its applications or other forms with appropriate state agencies to assist them in recovering child support when required by law.

(b) Notice of the department's intention to enter an order denying an application for a license or registration under this article or of an order suspending or revoking a license or registration under this article shall be given to the applicant, licensee, or registrant in writing, sent by registered or certified mail addressed to the principal place of business of such applicant, licensee, or registrant. Within 20 days of the date of the notice of intention to enter an order of denial, suspension, or revocation under this article, the applicant, licensee, or registrant may request in writing a hearing to contest the order. If a hearing is not requested in writing within 20 days of the date of such notice of intention, the department shall enter a final order regarding the denial, suspension, or revocation. Any final order of the department denying, suspending, or revoking a license or registration shall state the grounds upon which it is based and shall be effective on the date of issuance. A copy thereof shall be forwarded promptly by registered or certified mail addressed to the principal place of business of such applicant, licensee, or registrant.

(c) A licensee or registrant may, at the discretion of and with the consent of the department, agree to a voluntary suspension of its license or registration for a period of time to be agreed upon by the parties. Such order of suspension shall be considered a final order and shall be forwarded to the licensee or registrant in the same manner as any other final order. Grounds for such a voluntary suspension shall be the same as provided in subsection (a) of this Code section, and the licensee or registrant may waive its right to an administrative hearing before issuance of the suspension.

(d) A decision of the department denying a license or registration, original or renewal, shall be conclusive, except that it may be subject to judicial review under Code Section 7-1-90. A decision of the department suspending or revoking a license or registration shall be subject to judicial review in the same manner as a decision of the department to take possession of the assets and business of a bank under Code Section 7-1-155.

~~(d)~~(e) Except as otherwise provided by law, a revocation, suspension, or surrender of a license or registration shall not impair or affect the obligation of a preexisting contract between the licensee and another person.

~~(e)~~(f) Nothing in this article shall preclude a person whose license or registration has been suspended or revoked from continuing to service mortgage loans pursuant to servicing contracts in existence at the time of the suspension or revocation for a period not to exceed six months after the date of the final order of the department suspending or revoking the license or registration."

SECTION 32.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

- | | | | | | |
|---|-----------|---|----------|---|-------------|
| Y | Abernathy | Y | Blicht | Y | Bowen |
| Y | Balfour | Y | Boshears | Y | Broun, 46th |

Y Brown, 26th	Y Hill	Ragan
Y Brush	Y Hooks	Y Ralston
Y Burton	Y Huggins	Y Ray
Y Cagle	James	Roberts
Y Cheeks	Y Johnson,D	Y Scott
Y Clay	Y Johnson,E	Y Starr
Y Crofts	Y Kemp	Y Stokes
Y Dean	Y Lamutt	Y Streat
Y Egan	Y Land	Tanksley
Y Fort	Y Langford	Y Taylor
Y Gillis	Y Madden	Y Thomas,D
Y Glanton	Y Marable	Y Thomas,N
Y Gochenour	Middleton	Y Thompson
Y Griffin	Y Oliver	Y Turner
Y Guhl	Y Perdue	Y Tysinger
Y Harbison	Y Price,R	Y Walker
Y Henson	Y Price,T	

On the passage of the bill, the yeas were 51, nays 0.

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

Senator Gillis of the 20th moved that Senator Broun of the 46th be excused. On the motion, the yeas were 37, nays 1; the motion prevailed, and Senator Broun was excused.

The Calendar was resumed.

HB 1406. By Representatives Crawford of the 129th and Smith of the 109th:

A bill to amend Code Section 9-13-140 of the Official Code of Georgia Annotated, relating to advertising judicial sales, so as to change the advertising requirement for judicial sales or real property.

Senate Sponsor: Senator Ray of the 48th.

Senator Stokes of the 43rd offered the following amendment:

Amend HB 1406 by striking "may" and inserting shall on line 26

Senator Stokes of the 43rd asked unanimous consent that her amendment be withdrawn. The consent was granted and the Stokes amendment was withdrawn.

Senators Ray of the 48th and Lamutt of the 21st offered the following amendment:

Amend HB 1406 by striking lines 25 through 30 of page 1, and inserting in lieu thereof the following:

"include the street address, or the legal description and street address of such real property and may include the street address of such real property, if available, but provided; provided, however, that no foreclosure shall be invalidated by the failure to include a street address or by the inadvertent insertion of an erroneous street address if the advertisement includes the correct legal description."

Senator Ray of the 48th asked unanimous consent that his amendment be withdrawn. The consent was granted, and the Ray, Lamutt amendment was withdrawn.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	N Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	N Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
EX Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	N Scott
Y Brush	N James	N Starr
Y Burton	N Johnson,D	N Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	N Thomas,D
N Dean	Y Langford	N Thomas,N
Y Egan	Y Madden	Y Thompson
N Fort	N Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	N Walker
N Gochenour	Perdue	

On the passage of the bill, the yeas were 38, nays 16.

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

At 12:12 P.M., the President announced that the Senate would stand in recess until 1:45 P.M.

The President called the Senate to order at 1:45 P.M.

The Calendar was resumed.

SB 608. By Senators Streat of the 19th, Bowen of the 13th, Roberts of the 30th and Guhl of the 45th:

A bill to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to authorize the Safety Fire Commissioner and duly appointed officers and employees of the Commissioner to issue citations for noncompliance with certain laws relating to fire and other hazards.

The Senate Committee on Public Safety offered the following substitute to SB 608:

A BILL

To be entitled an Act to amend Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, so as to authorize the Safety Fire Commissioner and duly appointed officers and employees of the Commissioner to issue citations for noncompliance with certain laws relating to fire and other hazards; to require compliance with the citation within a reasonable period of time by the person responsible for a dangerous or defective condition; to provide for applicability with respect to certain businesses and structures; to provide for the issuance of citations for noncompliance with previous citations; to provide for the contents of citations; to provide for jurisdiction over matters in this Act in the magistrate and municipal courts; to provide that the citation shall serve as a complaint; to

provide for the issuance of warrants for persons who have failed to appear in court as required by a citation; to provide that any person who intentionally, knowingly, or willfully fails to appear in court on the date and time specified commits a misdemeanor; to provide penalties; to provide that each person receiving a citation is assumed to have knowledge of the notice listed in the citation; to provide that such knowledge of the notice serves as inference of intent to violate this Act if the person should not appear as required by the citation; to provide that the provisions of this Act shall be in addition and supplemental to other provisions of law; to provide for construction; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 25 of the Official Code of Georgia Annotated, relating to regulation of fire and other hazards to persons and property generally, is amended by adding between Code Sections 25-2-26 and 25-2-27 a new Code Section 25-2-26.1 to read as follows:

“25-2-26.1.

(a) Notwithstanding any other provisions of this chapter, when the Commissioner or any duly appointed officer or employee of the Commissioner finds any building, place of business, or other structure which, for want of repairs, lacks sufficient fire escapes, automatic or other fire alarm apparatus, or fire-extinguishing equipment or which, by reason of age, dilapidated condition, or other cause, is especially liable to fire, a threat to occupant safety, or situated so as to endanger life or property, such officer may issue a citation to have such building, place of business, or other structure remedied or removed, and such citation shall be complied with within a reasonable period of time by the owner, tenant, or occupant of such building, place of business, or other structure or by any architect, contractor, builder, mechanic, electrician, or other person who shall be found to be responsible for the dangerous or defective condition. If the owner is not responsible for the dangerous or defective condition, for notification purposes, he or she shall also receive a copy of the citation. Whenever the Commissioner or any duly appointed officer or employee of the Commissioner finds in any building, place of business, or other structure combustible or explosive matter or flammable conditions dangerous to the safety of such building, place of business, or other structure, such officer may issue a citation to have such building, place of business, or other structure remedied or removed, and such citation shall be complied with within a reasonable period of time by the owner, tenant, or occupant of such building, place of business, or other structure or by any architect, contractor, builder, mechanic, electrician, or other person who shall be found to be responsible for the dangerous or defective condition. If the owner is not responsible for the dangerous or defective condition, for notification purposes, he or she shall also receive a copy of the citation. The provisions of this Code section shall apply to any existing building, place of business, or other structure as well as any building, place of business, or other structure under construction or being physically modified throughout the territorial boundaries of the state but shall not be construed to nullify the provisions of subsection (e) of Code Section 25-3-13.

(b) If compliance with such citation is not expedient and does not permanently remedy a condition for which a citation has been issued, the Commissioner or any duly appointed officer or employee of the Commissioner shall have the authority to issue a citation for the dangerous or defective condition requiring the person found to be responsible to appear in court on a specified date and at a specified time. The Commissioner or any duly appointed officer or employee of the Commissioner may is-

sue a separate citation for each dangerous or defective condition; and each day's continuance of the dangerous or defective condition shall be considered a separate offense after the reasonable period of time provided to remedy the condition has expired.

(c) In issuing a citation, the issuing officer shall prepare a written citation which shall include the name and address of the person receiving such citation, the name of the officer issuing such citation, the offense charged, and the address of the building, place of business, or structure found to be dangerous or in a defective condition. The issuing officer shall deliver one copy of such citation to the offender and one copy to the local fire official and shall file one copy with the office of the Safety Fire Commissioner.

(d)(1) The magistrate court located within the county in which the citation is issued shall have jurisdiction and power over such citation as provided under Code Section 15-10-2. Such jurisdiction shall be concurrent with other courts having jurisdiction over such citations.

(2) When a citation is issued within the corporate limits of a municipality, the municipal court shall have jurisdiction and power over such citation. Such jurisdiction shall be concurrent with other courts having jurisdiction over such citations.

(e) If a person charged with failing to remedy a dangerous or defective condition as provided in this Code section shall fail to appear as specified on the citation, the judge having jurisdiction of the offense may issue a warrant ordering the apprehension of the person and commanding that such person be brought before the court to answer the charge for which such person was cited in the citation and the charge of his or her failure to appear as required. The person shall then be allowed to make a reasonable bond to appear on a given date before the court.

(f) Whenever a citation has been prepared, delivered, and filed with the appropriate court, a duplicate copy of the citation constitutes a complaint to which the defendant shall answer. The duplicate copy shall be sworn to by the issuing officer before any person authorized by law to administer oaths.

(g) Any person who intentionally, knowingly, or willfully fails to appear in court on the date and time specified shall be guilty of a misdemeanor regardless of the disposition of the charge for which such person was originally issued a citation and, upon conviction thereof, may be punished by imprisonment for not more than ten days or a fine of \$200.00, or both. Proof that the defendant failed to appear requires prima-facie evidence that the failure to appear was willful.

(h)(1) Each citation issued pursuant to this Code section shall have printed thereon in large, conspicuous letters the following:

'NOTICE: FAILURE TO APPEAR IN COURT ON THE DATE ASSIGNED MAY RESULT IN YOUR ARREST FOR A SEPARATE CRIMINAL OFFENSE WHICH IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN TEN DAYS OR A FINE OF \$200.00, OR BOTH.'

(2) Each person to whom a citation has been issued shall be assumed to have knowledge of the notice listed in paragraph (1) of this subsection. Such knowledge shall serve as inference of intent to violate this Code section if such person fails to appear as required by such citation.

(3) The provisions of this Code section shall be in addition and supplemental to other provisions provided by law.

(i) This Code section shall not be construed to affect the authority of local fire enforcement officials.”

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SECTION 2.

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

Senator Brush of the 24th offered the following amendment:

Amend the committee substitute to SB 608 by adding on Page 2 line 4 after the word any: “violation of any statute, code or regulation relating to any”

delete on page 2 line 11 after the word citation and all of line 12 and insert the following:

“for the violation of the applicable statute, code or regulation and”

delete on page 3 line 8 after the word each and on line 9 the word condition and insert the following “violation”

On the adoption of the amendment, the yeas were 30, nays 0, and the Brush amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Brown, 26th		Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton		Johnson,D		Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis		Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 46, nays 0.

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

SR 586. By Senators Marable of the 52nd, Dean of the 31st, Walker of the 22nd and others:

A resolution recognizing the critical need for the establishment of minimum salaries for peace officers.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

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On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	N	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Brown, 26th		Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton		Johnson,D		Stokes
Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
EX Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	EX	Walker
N Gochenour	EX	Perdue		

On the adoption of the resolution, the yeas were 44, nays 2.

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

HB 1434. By Representatives Franklin of the 39th, Joyce of the 1st, Coan of the 82nd and others:

A bill to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observances, so as to designate "Bill of Rights Day"

Senate Sponsor: Senator Clay of the 37th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Fort	Y	Lamutt
Y Balfour	Y	Gillis	Y	Land
Y Blitch	Y	Glanton	Y	Langford
Y Boshears	Y	Gochenour	Y	Madden
Y Bowen	Y	Griffin	Y	Marable
Y Broun, 46th	Y	Guhl	Y	Middleton
Y Brown, 26th	Y	Harbison	Y	Oliver
Y Brush	Y	Henson	EX	Perdue
Y Burton	Y	Hill	Y	Price,R
Y Cagle	Y	Hooks	Y	Price,T
Y Cheeks		Huggins	Y	Ragan
Y Clay	Y	James	Y	Ralston
Y Crotts		Johnson,D	Y	Ray
EX Dean	Y	Johnson,E	Y	Roberts
Y Egan	Y	Kemp	Y	Scott

Y Starr	Y Taylor	Y Turner
Stokes	Y Thomas,D	Y Tysinger
Y Streat	Thomas,N	EX Walker
Y Tanksley	Y Thompson	

On the passage of the bill, the yeas were 48, nays 0.

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

SB 591. By Senators Thompson of the 33rd and Tanksley of the 32nd:

A bill to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to define and redefine certain terms; to change certain provisions relating to vehicle occupants required to use seat safety belts.

Senator Thompson of the 33rd asked unanimous consent that SB 591 be dropped to the bottom of the Calendar. The consent was granted.

HB 1229. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to correct typographical, stylistic, and other errors and omissions in Title 21 of the Official Code of Georgia Annotated, and in Acts of the General Assembly amending Title 21 of the Official Code of Georgia Annotated.

Senate Sponsor: Senator Egan of the 40th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
EX Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	EX Walker
Y Gochenour	EX Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

Senator Middleton of the 50th moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 36, nays 1; the motion prevailed, and Senator Ralston was excused.

HB 1266. By Representatives Cooper of the 31st, Jenkins of the 110th, Poag of the 6th and others:

A bill to amend Chapter 3 of Title 38 of the Official Code of Georgia Annotated, relating to emergency management, so as to enact the "Disaster Volunteer Leave Act"

Senate Sponsor: Senator Thompson of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
EX Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	EX Walker
Y Gochenour	EX Perdue	

On the passage of the bill, the yeas were 49, nays 0.

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

HB 1290. By Representatives Hecht of the 97th, Martin of the 47th, Campbell of the 42nd and Davis of the 60th:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for payment of actual expenses of judges or associate judges attending training seminars.

Senate Sponsor: Senator Oliver of the 42nd.

The Senate Committee on Judiciary offered the following substitute to HB 1290:

A BILL

To be entitled an Act to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for transfer of juvenile proceedings before or after a disposition order in certain circumstances; to correct

a cross-reference; to expand the circumstances when the court is authorized to order counseling or counsel and advice; to provide for payment of actual expenses of judges or associate judges attending training seminars; to provide that associate juvenile court judges shall sign court orders rather than findings and recommendations for disposition; to provide for rehearing by the judge in certain circumstances; to change a provision relating to when the name of a juvenile is released; to change a provision relating to keeping records; to delete the authority of associate juvenile court judges to perform marriage ceremonies; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking in its entirety subsection (a) of Code Section 15-11-15, relating to venue, and inserting in its place the following:

“(a) A proceeding under this article may be commenced in the county in which the child resides. If delinquent or unruly conduct is alleged, the proceeding may be commenced in the county in which the acts constituting the alleged delinquent or unruly conduct occurred. If deprivation is alleged, the proceeding may be brought in the county in which the child is present when it is commenced; provided, however, that for the convenience of the parties and witnesses, the court may transfer the proceeding to the county in which the child resides. If the proceeding is transferred, certified copies of all legal and social documents and records pertaining to the proceeding on file with the clerk of court shall accompany the transfer. A juvenile court judge, an associate juvenile court judge, a judge pro tempore of the juvenile court, or any person sitting as a juvenile court judge may conduct hearings in connection with any proceeding under this article in any county within the judicial circuit.”

SECTION 2.

Said article is further amended by striking in its entirety Code Section 15-11-36.1, relating to court orders for counseling or counsel and advice, and inserting in lieu thereof the following:

“15-11-36.1.

When any child is before a juvenile court ~~for the first time~~ and such child is found by the court to have committed a delinquent act, to be a deprived child, to be an unruly child, or to have committed a juvenile traffic offense as defined in Code Section ~~15-11-49~~ 15-11-49, the court shall be authorized, in addition to any other disposition authorized by this article, to order such child and such child's parents or guardian to participate in counseling or in counsel and advice as determined by the court. Such counseling and counsel and advice may be provided by the court, court personnel, probation officers, professional counselors or social workers, psychologists, physicians, qualified volunteers, or appropriate public, private, or volunteer agencies as directed by the court and shall be designed to assist in deterring future delinquent or unruly acts, conditions of deprivation, or other conduct or conditions which would be harmful to the child or society.”

SECTION 3.

Said article is further amended by inserting a new Code section to be designated Code Section 15-11-41.1 to read as follows:

"15-11-41.1.

Whenever an order of disposition incorporates a reunification plan and the residence of the parent is not in the county of the court with jurisdiction or the residence of the parent changes to a county other than the county of the court with jurisdiction, the court may transfer jurisdiction to the juvenile court of the residence of the parent or parents to whom reunification is directed. Said transferring court shall provide the receiving court within 30 days of the filing of the transfer order with certified copies of the adjudication order, the order of disposition, the order of transfer, the case plan, and such other court documents deemed necessary by the sending court to enable the receiving court to assume jurisdiction over the matter. Compliance with this Code section shall terminate jurisdiction in the transferring court and initiate jurisdiction in the receiving court."

SECTION 4.

Article 1 of Chapter 11 of Title 15, relating to juvenile proceedings, is amended by striking in its entirety subsection (c) of Code Section 15-11-4.1, relating to training seminars for judges, and inserting in its place the following:

"(c) Expenses of administration of this seminar program and ~~reasonable~~ actual expenses incurred by the judges or associate juvenile court judges in attending these seminars shall be paid from state funds appropriated for the council for that purpose, from federal funds available to the council for that purpose, or from other appropriate sources. These expenses for judges and associate juvenile court judges shall not exceed the allowances allowed members of the General Assembly."

SECTION 5.

Said article is further amended by striking in their entirety subsections (d), (e), (f), (g), and (h) of Code Section 15-11-10, relating to associate juvenile court judges, and inserting in their place the following:

"(d) Upon the conclusion of a hearing before an associate juvenile court judge, ~~except detention hearings or probable cause hearings, the associate juvenile court judge shall transmit findings and recommendations for disposition in writing to the judge sign and file an order of the court which sets forth the decision made by the associate juvenile court judge. Prompt written notice A copy of the findings and recommendations, together with copies thereof order;~~ shall be given to the parties to the proceedings.

(e) A rehearing may be ordered by the judge at any time and, except for detention hearings or probable cause hearings, shall be ordered if a party files a written request therefor within five days after receiving written notice a copy of the findings and recommendations order of the associate juvenile court judge.

(f) ~~Unless a rehearing is so ordered, the findings and recommendations become the findings and order of the court when confirmed in writing by the judge.~~

(g) ~~Upon conclusion of a probable cause hearing or detention hearing before an associate juvenile court judge, the associate juvenile court judge shall sign and file an order of the court which sets forth the decision made by the associate juvenile court judge.~~

(h) ~~An associate juvenile court judge of any county of this state shall be vested with the same authority as any judge of this state for the purpose of performing marriage ceremonies."~~

SECTION 6.

Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking in its entirety subsection (f) of Code Section 15-11-60, relating to occasions for fingerprinting or photographing juveniles, fingerprint files, and publication of names and pictures of juveniles, and inserting in its place the following:

“(f)(1) The name or picture of any child under the jurisdiction of the juvenile court for the first time shall not be made public by any news media, upon penalty of contempt under Code Section 15-11-62, except as otherwise provided in paragraph (2) of this subsection or as authorized by an order of the court.

(2) It shall be mandatory upon the judge of the juvenile court or his or her designee to release the name of any child who is under the jurisdiction of the court for a second or subsequent time with regard to whom a petition has been filed alleging the child committed a designated felony act or alleging the child committed a delinquent act if the child has previously been adjudicated delinquent or if the child has previously been before the court on a delinquency charge and adjudication was withheld. No person, firm, or corporation shall be guilty of any offense by making public the name or picture of any such child.”

SECTION 7.

Said article is further amended by striking in its entirety subsection (c) of Code Section 15-11-65, relating to the juvenile court as a court of inquiry and record, records, and warrants, and inserting in lieu thereof the following:

“(c) Records. Subject to the earlier sealing of certain records pursuant to Code Section 15-11-61, the juvenile court shall make and keep records of all cases brought before it and shall preserve the records pertaining to a child until ten years after the last entry was made in accordance with the common records retention schedules for courts approved by the State Records Committee pursuant to Code Section 50-18-92. Thereafter, the court may destroy such records, except that records of cases where orders were entered permanently depriving a parent of the custody of a child and records of cases involving a petition for legitimation of a child filed pursuant to Code Section 19-7-22 shall be preserved permanently. The juvenile court shall make official minutes consisting of all petitions and orders filed in a case and any other pleadings, certificates, proofs of publication, summonses, warrants, and other writs which may be filed therein and shall make social records consisting of records of investigation and treatment and other confidential information.”

SECTION 8.

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

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Broun, 46th	Y Cheeks
Y Balfour	Y Brown, 26th	Y Clay
Y Blicht	Y Brush	Y Crotts
Y Boshears	Y Burton	Y Dean
Y Bowen	Y Cagle	Y Egan

Y Fort	Y Kemp	Y Roberts
Y Gillis	Y Lamutt	Scott
Y Glanton	Y Land	Y Starr
Y Gochenour	Langford	Y Stokes
Y Griffin	Y Madden	Y Streat
Y Guhl	Y Marable	Y Tanksley
Y Harbison	Y Middleton	Y Taylor
Y Henson	Y Oliver	Y Thomas,D
Y Hill	Y Perdue	Thomas,N
Y Hooks	Y Price,R	Y Thompson
Y Huggins	Y Price,T	Y Turner
Y James	Y Ragan	Y Tysinger
Johnson,D	EX Ralston	Y Walker
Y Johnson,E	Y Ray	

On the passage of the bill, the yeas were 51, nays 0.

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

SR 613. By Senator Streat of the 19th:

A resolution designating the David Nipper Memorial Bridge.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue	

On the adoption of the resolution, the yeas were 49, nays 0.

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

HB 1535. By Representatives Buck of the 135th, Crawford of the 129th, Royal of the 164th and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to provide additional conditions under which cer-

tain property shall not acquire a situs in this state for ad valorem tax purposes; to provide that certain property ownership or conducting of business shall not constitute activities subject to state income tax.

Senate Sponsor: Senator Gochenour of the 27th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	N James	Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 1.

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

HB 1368. By Representatives Reichert of the 126th and Crawford of the 129th:

A bill to amend Code Section 48-3-21.1 of the Official Code of Georgia Annotated, relating to statute of limitations provisions for the enforcement of executions issued for ad valorem taxes in amounts less than \$1.00, so as to increase the threshold amount to \$5.00.

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Cheeks	Y Griffin
Y Balfour	Y Clay	Y Guhl
Y Blitch	Y Crotts	Y Harbison
Y Boshears	Y Dean	Y Henson
Y Bowen	Y Egan	Y Hill
Y Broun, 46th	Y Fort	Y Hooks
Y Brown, 26th	Y Gillis	Y Huggins
Y Brush	Y Glanton	Y James
Y Burton	Y Gochenour	Johnson,D
Y Cagle		Y Johnson,E

Y Kemp	Y Price,R	Y Streat
Y Lamutt	Y Price,T	Y Tanksley
Y Land	Y Ragan	Y Taylor
Langford	EX Ralston	Y Thomas,D
Y Madden	Y Ray	Thomas,N
Y Marable	Roberts	Y Thompson
Y Middleton	Scott	Y Turner
Y Oliver	Y Starr	Y Tysinger
Perdue	Y Stokes	Y Walker

On the passage of the bill, the yeas were 48, nays 0.

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

SR 639. By Senator Middleton of the 50th:

A resolution honoring Tommy Irvin and designating a portion of Georgia Highway 365 as the "Tommy Irvin Parkway"

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
N Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	N Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
N Glanton	Y Oliver	Walker
N Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 42, nays 9.

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

HB 1460. By Representatives Floyd of the 138th, Reaves of the 178th, Purcell of the 147th and others:

A bill to amend Code Section 4-6-52 of the Official Code of Georgia Annotated, relating to special sales of livestock, so as to exempt Georgia 4-H clubs and Georgia Future Farmers of America chapters from certain bonding requirements.

Senate Sponsor: Senator Ragan of the 11th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

HR 935. By Representatives Barnes of the 33rd, Manning of the 32nd, Grindley of the 35th and others:

A resolution authorizing the conveyance of certain state owned real property located in Cobb County.

Senate Sponsor: Senator Thompson of the 33rd.

The Senate Finance and Public Utilities Committee offered the following substitute to HR 935:

A RESOLUTION

Authorizing the conveyance of certain state owned real property located in Cobb County, Georgia; authorizing the conveyance of certain real property owned by the State of Georgia in Gwinnett County; authorizing the conveyance of certain state owned real property located in Gordon County, Georgia; authorizing the conveyance of certain state owned real property interests located in Paulding County, Georgia; to provide effective dates; to repeal conflicting laws; and for other purposes.

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Cobb County, Georgia;
- (2) Said real property is all that tract or parcel of land lying and being in Land Lots 1018 and 1071 of the 16th District and 2nd Section of Cobb, County, Georgia, and being more particularly described as follows:

BEGINNING at the northeast corner of the intersection of Marietta 4-Lane Highway and Allgood Road; thence northwesterly along the northeasterly side of said 4-

Lane Highway a distance of three hundred ninety-two and eight-tenths (392.8) feet to a concrete right-of-way marker; thence in a northeasterly direction a distance of fifteen (15) feet to another concrete right-of-way marker; thence northwesterly, continuing along the northeasterly side of the said 4-Lane Highway a distance of six hundred eight (608) feet to an iron pin for a point of beginning; thence northwesterly, continuing along the northeasterly side of said 4-Lane Highway, a distance of two hundred (200) feet to another iron pin; thence northeasterly, with an exterior angle of eighty-nine (89) degrees forty (40) minutes a distance of three hundred (300) feet to an iron pin; thence southeasterly two hundred (200) feet to an iron pin; thence southwesterly three hundred (300) feet to an iron pin and the northeasterly side of said 4-Lane Highway, the intersection of which line forms an interior angle of eighty-nine (89) degrees forty (40) minutes; said described property containing one and thirty-seven hundredths (1.37) acres, more or less, and as shown by a plat of survey made for Cobb County Board of Education by J. P. Phillips, Surveyor, dated January 29, 1954,

on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;

(3) Said property is under the custody of the Department of Public Safety and is the former site of the Cobb County State Patrol Post and barracks;

(4) The Department of Public Safety has relocated its Cobb County Patrol Post and has declared the subject property surplus to its needs;

(5) The above-described property was conveyed by Cobb County to the state in 1954 for a consideration of \$10.00 with the stipulation that if the state should ever sell the property, Cobb County would received one-third of the sale proceeds in addition to \$2,500.00, which equates to the price Cobb County originally paid for the property;

(6) The Walker School, a privately funded educational institution, adjoins the subject property and is in need of additional property in order to expand its educational facilities;

(7) The Walker School is desirous of acquiring the above-described property; and

WHEREAS:

(1) The State of Georgia is the owner of a certain tract or parcel of real property located in Gwinnett County, Georgia;

(2) Said real property is all that certain lot, tract, or parcel of land situate, lying and being in Gwinnett County, Georgia, lying in and being more particularly described as follows:

All that tract or parcel of land containing 0.68 of one acre and situated, lying and being in Land Lot 13 of the 7th Land District of Gwinnett County, Georgia, and being more particularly shown and delineated on a certain August 27, 1997, plat of survey prepared by Lloyd C. McNally, Jr., Georgia Registered Land Surveyor No. 2040, and entitled "Survey for the State of Georgia", and being on file in the offices of the State Properties Commission

and may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented by Lessee to the State Properties Commission for approval;

(3) Said property is under the custody of the Georgia Department of Juvenile Justice;

(4) Resolution Act 4, S. R. 226, approved April 5, 1995 (Ga. L. 1995, p. 177), authorized the State Properties Commission to lease 2.21 acres of improved state owned property to Gwinnett/Rockdale/Newton Creative Enterprises, Inc., for a period of 25 years in order that Gwinnett/Rockdale/Newton Creative Enterprises, Inc., could operate certain programs for the mentally retarded under the direction of the Department of Human Resources;

(5) The subject property is in close proximity to the above mentioned 2.21 acre parcel;

(6) Gwinnett/Rockdale/Newton Creative Enterprises, Inc., is desirous of leasing the above-described state property in order to accommodate additional growth in clients and programs offered;

(7) The Department of Juvenile Justice has no objection to the long-term leasing of the above-described property; and

WHEREAS:

(1) The State of Georgia is the owner of a certain parcel of real property located in Gordon County, Georgia;

(2) Said real property is all that portion (Parcel No. 1) of the former right-of-way of the Western and Atlantic Railroad located in Land Lot 86 of the 14th District, 3rd Section, of Gordon County, Georgia, such former right-of-way of 66 feet in width, having been abandoned for railroad purposes as shown on Western and Atlantic Railroad right-of-way and tract Map No. V2/39, as a portion of Parcel No. 1, as shown marked in yellow, on said Western and Atlantic Valuation Map V2/39, on file in the offices of the State Properties Commission; and may be more particularly described on a plat of survey prepared by a Georgia Registered Land Surveyor and presented to the State Properties Commission for approval;

(3) The above-described property was a part of the state owned Western and Atlantic Railroad right-of-way and has been abandoned and is no longer needed by the state;

(4) Bill Walraven and Stanley Simpson are joint owners of the property adjoining both sides of the above-described property;

(5) Bill Walraven and Stanley Simpson are desirous of obtaining the above-described property; and

WHEREAS:

(1) The State of Georgia, acting through its Department of Natural Resources, acquired 3,273 acres in Paulding County, Georgia, from the I.M. Sheffield, Jr., Estate on December 8, 1993;

(2) Included in the above-mentioned acquisition was Land Lot 434, 3rd District, 3rd Section of Paulding County, Georgia, to which clear title was uncertain;

(3) The Estate of I.M. Sheffield, Jr., agreed to convey its interest, if any, by quitclaim deed to the above-mentioned land lot to the State of Georgia for a consideration of \$10.00;

(4) It has been determined by independent title examination authorized by the Attorney General's office that title to Land Lot 434, 3rd District, 3rd Section of Paulding County, Georgia, is vested in Mary Jo Shipp and J. Cliff Shipp;

(5) Mary Jo Shipp and J. Cliff Shipp are desirous of removing the cloud on their title to the above-mentioned property and have requested that the State of Georgia convey to them whatever interest it may have in such property.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

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ARTICLE I

SECTION 1.

That the State of Georgia is the owner of the above-described real property in Cobb County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the above-described real property shall be conveyed by appropriate instrument to The Walker School by the State of Georgia, acting by and through the State Properties Commission, for a consideration of the fair market value as determined by the State Properties Commission with one-third of the consideration in addition to \$2,500.00 being remitted to Cobb County and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 3.

That the authorization in this resolution to convey the above-described property to The Walker School shall expire three years after the date that this resolution becomes effective.

SECTION 4.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 5.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Cobb County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE II

SECTION 6.

That the State of Georgia is the owner of the referenced above-described real property in Gwinnett County and that, in all matters relating to the leasing of said property, the State of Georgia is acting by and through its State Properties Commission.

SECTION 7.

That the State of Georgia, acting by and through its State Properties Commission, is authorized to lease the above-described tract of improved property to Gwinnett/Rockdale/Newton Creative Enterprises, Inc., for a period which runs concurrently with the lease authorized by Resolution Act 4, S. R. 226, approved April 5, 1995 (Ga. L. 1995, p. 177), which will expire July 28, 2020.

SECTION 8.

That the consideration for such lease shall be \$650.00 per year and such other terms and conditions as may be determined by the State Properties Commission to be in the best interests of the State of Georgia.

SECTION 9.

That any sublease of subject property must be approved by the State Properties Commission, and any remuneration resulting from a sublease in excess of \$650.00 per year is to be remitted to the State of Georgia.

SECTION 10.

That the authorization in this resolution to lease the above-described property to Gwinnett/Rockdale/Newton Creative Enterprises, Inc., shall expire three years after the date that this resolution becomes effective.

SECTION 11.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such lease.

SECTION 12.

That this grant of easement shall be recorded by the grantee in the Superior Court of Gwinnett County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE III

SECTION 13.

That the State of Georgia is the owner of the above-described real property located in Gordon County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 14.

That the above-described real property located in Gordon County shall be sold and conveyed by appropriate instrument to Bill Walraven and Stanley Simpson by the State of Georgia, acting by and through the State Properties Commission, for a consideration of the fair market value but not less than \$650.00, and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interest of the State of Georgia.

SECTION 15.

That the authorization in this resolution to convey the above-described property to Bill Walraven and Stanley Simpson shall expire three years after the date that this resolution becomes effective.

SECTION 16.

That the state properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 17.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Gordon County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE IV

SECTION 18.

That the State of Georgia may have an interest in the above-described real property, located in Paulding County, and that in all matters relating to the conveyance of the real property or real property interest the State of Georgia is acting by and through its State Properties Commission.

SECTION 19.

That the ~~above-described property~~ or real property interest shall be conveyed by appropriate instrument to Mary Jo Shipp and J. Cliff Shipp by the State of Georgia, acting by and through the State Properties Commission, for a consideration of \$10.00 and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 20.

That the authorization in this resolution to convey the above-described property to Mary Jo Shipp and J. Cliff Shipp shall expire three years after the date that this resolution becomes effective.

SECTION 21.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 22.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Paulding County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE V

SECTION 23.

That Article IV and this article of this resolution shall become effective upon the approval of this resolution by the Governor or upon its becoming law without such approval. The remaining articles of this resolution shall become effective July 1, 1998.

SECTION 24.

That all laws and parts of laws in conflict with this resolution are repealed.

On the adoption of the substitute, the yeas were 39, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Gillis	Y Langford
Y Balfour	Y Glanton	Y Madden
Y Blitch	Y Gochenour	Y Marable
Y Boshears	Y Griffin	Y Middleton
Y Bowen	Y Guhl	Y Oliver
Y Broun, 46th	Y Harbison	Y Perdue
Y Brown, 26th	Y Henson	Y Price,R
Y Brush	Y Hill	Y Price,T
Y Burton	Y Hooks	Y Ragan
Y Cagle	Y Huggins	EX Ralston
Y Cheeks	Y James	Y Ray
Y Clay	Johnson,D	Roberts
Y Crotts	Y Johnson,E	Y Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Fort	Y Land	Y Streat

Y Tanksley	Y Thomas,N	Y Tysinger
Y Taylor	Y Thompson	Walker
Y Thomas,D	Y Turner	

On the adoption of the resolution, the yeas were 51, nays 0.

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

SB 529. By Senator Langford of the 29th:

A bill to amend Code Section 48-5-306 of the Official Code of Georgia Annotated, relating to notice of changes made to a taxpayer's ad valorem tax return, so as to provide for additional information and disclosures which must be provided to the taxpayer; to provide an effective date; to provide for applicability.

The Senate Committee on Finance and Public Utilities offered the following substitute to SB 529:

A BILL

To be entitled an Act to amend Code Section 48-5-306 of the Official Code of Georgia Annotated, relating to notice of changes made to a taxpayer's ad valorem tax return, so as to provide for additional information and disclosures which must be provided to the taxpayer on notices of changes made to returns; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 48-5-306 of the Official Code of Georgia Annotated, relating to notice of changes made to a taxpayer's ad valorem tax return, is amended by striking subsection (b) and inserting in its place a new subsection (b) to read as follows:

"(b)Contents of notice.

(1) The notice required to be given by the county board of tax assessors under subsection (a) of this Code section shall be dated and shall contain the name and last known address of the taxpayer. If the assessment of the value of the taxpayer's property is changed, the notice shall contain: ~~the~~

(A) The amount of the previous assessment; ~~the~~

(B) The amount of the current assessment; ~~and the~~

(C) The year for which the new assessment is applicable; ~~In all cases, the notice shall contain a~~

(D) A brief description of the assessed property broken down into real and personal property classifications; ~~the~~

(E) The fair market value of property of the taxpayer subject to taxation; and the assessed value of the taxpayer's property subject to taxation after being reduced; ~~and~~

(F) A statement indicating that the data and figures used in developing the valuations shown on the notice are available upon request at no cost for inspection by the legal owner of the property in question in the office of the county board of tax assessors issuing the notice.

(2) In addition to the foregoing items required under paragraph (1) of this subsection, the notice shall contain a statement of the taxpayer's right to an appeal, which statement shall be in substantially the following form:

"The amount of your ad valorem tax bill for this year will be based on the appraised and assessed values specified in this notice. You have the right to appeal these values to the county board of tax assessors either followed by an appeal to the county board of equalization or to arbitration and in either case, to appeal to the superior court.

If you wish to file an appeal, you must do so in writing no later than 30 days after the date of this notice. If you do not file an appeal by this date, your right to file an appeal will be lost. For further information on the proper method for filing an appeal, you may contact the county board of tax assessors which is located at: (insert address) and which may be contacted by telephone at: (insert telephone number)."

SECTION 2.

This Act shall become effective on January 1, 1999, and shall be applicable to all taxable years beginning on or after that date.

SECTION 3.

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

On the adoption of the substitute, the yeas were 41, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1228. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

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A bill to amend the Official Code of Georgia Annotated, so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the Official Code of Georgia Annotated and in Acts of the General Assembly amending the Official Code of Georgia Annotated.

Senate Sponsor: Senator Egan of the 40th.

The Senate Special Judiciary Committee offered the following amendment:

Amend HB 1228 by striking from line 31 on page 5 the following:

“Section 53-6-46”,

and inserting in lieu thereof the following:

“Section 53-7-13”

By striking in its entirety line 10 of page 6 and inserting in lieu thereof the following:

“Probate Code,” if applicable, or Code Section 53-8-13 of the “Revised Probate Code of 1998.” in paragraph (25) of”

On the adoption of the amendment, the yeas were 34, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 50, nays 0.

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

SR 635. By Senators Starr of the 44th and Oliver of the 42nd:

A resolution authorizing the conveyance of certain property located in DeKalb County and owned by the State of Georgia and the Georgia Building Authority (Hospital).

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen		Hill	Y	Ray
Y Broun, 46th	Y	Hooks		Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush	Y	James	Y	Starr
Y Burton		Johnson,D		Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour		Perdue		

On the adoption of the resolution, the yeas were 47, nays 0.

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

SB 604. By Senator Broun of the 46th:

A bill to amend Code Section 12-3-194.1 of the Official Code of Georgia Annotated, relating to the police and legislative powers of the Stone Mountain Memorial Association, so as to provide for the exercise of police powers by the association; to provide for the appointment of peace officers by the association.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Crotts	Y	Hooks
N Balfour	Y	Dean	Y	Huggins
Y Blitch	Y	Egan	Y	James
Y Boshears	N	Fort		Johnson,D
Y Bowen	Y	Gillis	Y	Johnson,E
Y Broun, 46th	N	Glanton	Y	Kemp
Y Brown, 26th	Y	Gochenour	Y	Lamutt
Y Brush	Y	Griffin	Y	Land
Y Burton	Y	Guhl	Y	Langford
Y Cagle	Y	Harbison	Y	Madden
Y Cheeks	Y	Henson		Marable
Y Clay	Y	Hill	Y	Middleton

Y Oliver		Roberts	Y Thomas,D
Y Perdue	Y	Scott	Y Thomas,N
Y Price,R	Y	Starr	Y Thompson
Y Price,T	Y	Stokes	Y Turner
Y Ragan	Y	Streat	Y Tysinger
Y Ralston	Y	Tanksley	Y Walker
Y Ray	Y	Taylor	

On the passage of the bill, the yeas were 49, nays 3.

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

SR 591. By Senators Clay of the 37th, Glanton of the 34th and Lamutt of the 21st:

A resolution urging Congress to reduce or eliminate the motor fuel tax on low sulphur fuels.

The Senate Transportation Committee offered the following amendment:

Amend SR 591 by inserting "collection of" before the word "motor" on line 10 of page 1.

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution as amended, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen		Hill	Y	Ray
Y Broun, 46th	Y	Hooks		Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton		Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour		Perdue		

On the adoption of the resolution, the yeas were 50, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended.

HB 1199. By Representatives McBee of the 88th, Martin of the 47th and Hudgens of the 24th:

A bill to amend Code Section 36-32-22 of the Official Code of Georgia Annotated, relating to establishment and membership of the Georgia Municipal Courts Training Council, so as to change the method for the appointment of members of the Georgia Municipal Courts Training Council.

Senate Sponsor: Senator Broun of the 46th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Price,R
Y Balfour	Y	Guhl	Y Price,T
Y Blitch	Y	Harbison	Y Ragan
Y Boshears		Henson	Y Ralston
Y Bowen	Y	Hill	Y Ray
Y Broun, 46th	Y	Hooks	Roberts
Y Brown, 26th	Y	Huggins	Y Scott
Y Brush	Y	James	Y Starr
Y Burton		Johnson,D	Y Stokes
Y Cagle	Y	Johnson,E	Y Streat
Y Cheeks	Y	Kemp	Y Tanksley
Y Clay	Y	Lamutt	Y Taylor
Y Crofts	Y	Land	Y Thomas,D
Y Dean	Y	Langford	Y Thomas,N
Egan	Y	Madden	Y Thompson
Y Fort	Y	Marable	Y Turner
Y Gillis	Y	Middleton	Y Tysinger
Y Glanton	Y	Oliver	Y Walker
Y Gochenour	Y	Perdue	

On the passage of the bill, the yeas were 50, nays 0.

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

HB 1081. By Representative Cummings of the 27th:

A bill to amend Code Section 47-3-121 of the Official Code of Georgia Annotated, relating to optional retirement allowances under the Teachers Retirement System of Georgia, so as to provide that upon the death of a designated recipient of continued benefits as elected by a retired member, the retired member may cancel the previous election and begin receiving a regular benefit.

Senate Sponsor: Senator Glanton of the 34th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Brush	Egan
Y Balfour	Y	Burton	Y Fort
Y Blitch	Y	Cagle	Y Gillis
Y Boshears	Y	Cheeks	Y Glanton
Y Bowen	Y	Clay	Y Gochenour
Y Broun, 46th	Y	Crofts	Y Griffin
Y Brown, 26th	Y	Dean	Y Guhl

Y Harbison	Y Madden	Y Starr
Henson	Y Marable	Y Stokes
Y Hill	Y Middleton	Y Streat
Y Hooks	Y Oliver	Y Tanksley
Y Huggins	Y Perdue	Y Taylor
Y James	Y Price,R	Y Thomas,D
Johnson,D	Y Price,T	Y Thomas,N
Y Johnson,E	Y Ragan	Y Thompson
Y Kemp	Y Ralston	Y Turner
Y Lamutt	Y Ray	Y Tysinger
Y Land	Roberts	Walker
Y Langford	Y Scott	

On the passage of the bill, the yeas were 50, nays 0.

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

SB 591. By Senators Thompson of the 33rd and Tanksley of the 32nd:

A bill to amend Code Section 40-8-76.1 of the Official Code of Georgia Annotated, relating to use of safety belts in passenger vehicles, so as to define and redefine certain terms; to change certain provisions relating to vehicle occupants required to use seat safety belts.

The Senate Transportation Committee offered the following amendment:

Amend SB 591 by inserting "to provide an effective date;" after the word and symbol "belts;" on line 5 of page 1.

By redesignating Section 2 as Section 3.

By inserting after Section 1 the following:

"SECTION 2.

This Act shall become effective on January 1, 1999."

On the adoption of the amendment, the yeas were 42, nays 0, and the amendment was adopted.

Senators Ray of the 48th, Thompson of the 33rd and Clay of the 37th offered the following amendment:

Amend SB 591 by striking line 28, page 1 in its entirety and inserting thereof the following: "Each occupant of the front seat of a passenger vehicle"

Senator Ray of the 48th asked unanimous consent that his amendment be withdrawn. The consent was granted, and the Ray, et al. amendment was withdrawn.

Senators Thompson of the 33rd and Tanksley of the 32nd offered the following amendment:

Amend SB 591 by inserting "to provide an exemption; to provide an effective date;" after the word and symbol "belts;" on line 5 of page 1.

By inserting between Section 1 and Section 2 the following:

"SECTION 1A.

Said Code section is further amended by adding a new paragraph (6.1) to subsection (c) to read as follows:

(6.1) A passenger vehicle which is being operated for farming or agricultural purposes and which is temporarily operated on a highway for the purpose of conducting farm, agricultural, or silvicultural business;

SECTION 1B.

This Act shall become effective on January 1, 1999.”

On the adoption of the amendment, the yeas were 43, nays 0, and the Thompson, Tanksley amendment was adopted.

Senators Thompson of the 33rd, Tanksley of the 32nd and Hill of the 4th offered the following amendment:

Amend SB 591 by adding on line 28 of page ‘1’, following the word occupant the words, “of any seat” And by adding on line 28 of page ‘1’, following the word vehicle, the words, “having a seat belt available”

On the adoption of the amendment, the yeas were 41, nays 0, and the Thompson, et al. amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
N Blitch	Y Harbison	Y Ragan
N Boshears	Y Henson	N Ralston
N Bowen	Y Hill	Y Ray
Y Broun, 46th	N Hooks	N Roberts
Y Brown, 26th	N Huggins	Y Scott
N Brush	Y James	Y Starr
Y Burton	Johnson,D	Y Stokes
N Cagle	Y Johnson,E	N Streat
Y Cheeks	N Kemp	Y Tanksley
Y Clay	Y Lamutt	N Taylor
N Crotts	N Land	Y Thomas,D
N Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	N Marable	N Turner
N Gillis	Y Middleton	Y Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Y Perdue	

On the passage of the bill, the yeas were 34, nays 20.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1542. By Representatives Snelling of the 99th, Worthan of the 98th, Royal of the 164th and others:

A bill to amend Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to abuse of government office, so as to change certain provisions relating to sale of real or personal property to political subdivisions by local officers and employees and exceptions thereto.

HB 1408. By Representatives Jones of the 71st and Harbin of the 113th:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to prohibit the Department of Medical Assistance from adopting or administering a state plan that includes the requirement of a marketing enrollment coordinator as the means for the marketing to or the enrolling of Medicaid recipients into a health maintenance organization which has contracted with the department to provide health care delivery services to Medicaid recipients.

At 4:05 P.M., Senator Walker of the 22nd moved that, pursuant to HR 1165, the Senate adjourn until 10:00 A.M. Thursday, February 26; the motion prevailed, and the President announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Thursday, February 26, 1998
Twenty-eighth Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of Tuesday, February 24, 1998 proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1732. By Representatives Smith of the 175th and Smith of the 169th:

A bill to amend an Act providing a new charter for the City of Folkston in Charlton County, so as to change the corporate limits of the city.

HB 1733. By Representatives Smith of the 175th and Smith of the 169th:

A bill to amend an Act creating a new charter for the City of Homeland in Charlton County, so as to change the corporate limits of the city.

HB 1735. By Representative Porter of the 143rd:

A bill to amend an Act reconstituting the Board of Education of the City of Dublin, so as to change the provisions relating to per diem compensation of members of the board.

HB 1736. By Representatives Childers of the 13th, Smith of the 12th and Perry of the 11th:

A bill to amend an Act providing for a homestead exemption from Floyd County School District ad valorem taxes for educational purposes for certain residents of that school district, so as to revise and change certain homestead exemptions for persons who are 62 to 74 years of age and for persons who are 75 years of age or over.

HB 1737. By Representatives Childers of the 13th, Smith of the 12th and Perry of the 11th:

A bill to provide for an advisory referendum election to be held in Floyd County for the purposes of ascertaining if the consolidation of Floyd County and the City of Rome is desired by the people of said county.

HB 1742. By Representative Parrish of the 144th:

A bill to provide a new charter for the City of Stillmore.

HB 1744. By Representatives Sauder of the 29th, Shipp of the 38th, Parsons of the 40th and others:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the

fee system to the salary system, so as to change the compensation of the chief deputy sheriff, the chief investigator, and the executive assistant to the sheriff.

HB 1640. By Representatives Lane of the 146th, Dobbs of the 92nd, Hanner of the 159th and others:

A bill to amend Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits, and stamps generally, so as to provide for the creation of a lifetime sportsman's license; to set fees for such a license; to establish eligibility criteria; to provide for penalties for fraudulent acquisition of such a license; to establish the Wildlife Endowment Fund.

HB 1540. By Representatives Stancil of the 16th, Royal of the 164th, Pinholster of the 15th and others:

A bill to amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, "The Zoning Procedures Law," so as to provide for the transfer of development rights.

HB 1550. By Representatives Teper of the 61st, Porter of the 143rd, Buck of the 135th and others:

A bill to amend Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school property and facilities, so as to authorize county boards of education to build schoolhouses on real property leased from the state or a political subdivision, instrumentality, agency, or authority of the state; to amend Code Section 36-9-3 of the Official Code of Georgia Annotated, relating to sale or disposition of county property.

HB 1552. By Representatives Purcell of the 147th, Parham of the 122nd, Parrish of the 144th and others:

A bill to amend Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to provide for the establishment by the authority of a program of scholarship grants for students at North Georgia College who have previously completed two scholarship years at Georgia Military College.

HB 1513. By Representatives Sherrill of the 62nd, Buck of the 135th, Jamieson of the 22nd and others:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for a tax credit for certain amounts expended for qualified caregiving expenses.

HB 1444. By Representatives DeLoach of the 172nd and Purcell of the 147th:

A bill to amend Part 2 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to crabs, so as to provide for requirements for obtaining a commercial crabbing license.

HB 1490. By Representative Holland of the 157th:

A bill to amend Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to provide that the official state peanut monument shall be a certain peanut sculpture in Turner County.

HB 1532. By Representative Richardson of the 26th:

~~A bill to amend Code~~ Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons for hunting wildlife generally, so as to provide that persons with disabilities may obtain a crossbow permit for the taking of all game.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 847. By Representative Smith of the 109th:

A resolution commending David P. Ridgeway, Sr.; designating the David P. Ridgeway, Sr., Bridge.

The following bills were introduced, read the first time and referred to committees:

SB 679. By Senators Marable of the 52nd and Dean of the 31st:

A bill to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to counties and municipal corporations, so as to prohibit the commencement of certain rock quarry operations under certain circumstances; to provide an effective date.

Referred to Committee on Natural Resources.

SB 680. By Senator Walker of the 22nd:

A bill to amend Article 4 of Chapter 5 of Title 46 of the Official Code of Georgia Annotated, "The Telecommunications and Competition Development Act of 1995," so as to require a customer's written authorization before a telecommunications company may charge for any telecommunications or other type of service; to require that the charges for any new or changed services be stated in a separate and distinct manner.

Referred to Committee on Finance and Public Utilities.

SB 681. By Senator Walker of the 22nd:

A bill to amend Code Section 33-27-1 of the Official Code of Georgia Annotated, relating to group life insurance policy requirements generally, so as to authorize the payment of group life insurance premiums wholly from the contributions of employees; to provide an effective date.

Referred to Committee on Consumer Affairs.

SB 682. By Senators Brush of the 24th, Langford of the 29th, Gochenour of the 27th and Streat of the 19th:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to prohibit issuance of Class M drivers' licenses to certain persons under certain conditions; to change certain provisions relating to headgear and eye-protective devices for motorcycle riders.

Referred to Committee on Transportation.

SB 683. By Senators Starr of the 44th and Glanton of the 34th:

A bill to amend an Act providing for the appointment of the chief magistrate of the Magistrate Court of Clayton County, as amended, so as to provide for qualifications for the chief magistrate and magistrates and the terms thereof.

Referred to Committee on State and Local Governmental Operations.

SB 684. By Senators Glanton of the 34th and Gochenour of the 27th:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to enact the "State Sovereignty and Federal Tax Funds Act"; to provide legislative findings; to define certain terms; to create the Federal Tax Fund in the state treasury; to provide that moneys collected by the state for payment to the federal government shall be paid into such fund.

Referred to Committee on Finance and Public Utilities.

SB 685. By Senator Blitch of the 7th:

A bill to provide for the compensation of the board of education of Clinch County; to provide an effective date.

Referred to Committee on State and Local Governmental Operations.

SR 668. By Senators Cheeks of the 23rd, Turner of the 8th, Broun of the 46th and others:

A resolution creating the Joint Small Consumer Loan Industry Study Committee.

Referred to Committee on Rules.

SR 672. By Senator Glanton of the 34th:

A resolution urging the creation of the Georgia Conservative Commission on Women.

Referred to Committee on Rules.

SR 674. By Senators Hooks of the 14th, Perdue of the 18th, Walker of the 22nd and Clay of the 37th:

A resolution creating the Joint Study Committee on Local Assistance Grants.

Referred to Committee on Rules.

SR 676. By Senators Clay of the 37th and Marable of the 52nd:

A resolution creating the Senate Study Committee on Technology Education.

Referred to Committee on Rules.

SR 677. By Senators Marable of the 52nd, Dean of the 31st, Henson of the 55th and others:

A resolution creating the Joint Study Committee on School Health Care.

Referred to Committee on Rules.

SR 680. By Senators Price of the 56th, Middleton of the 50th, Clay of the 37th and others:

A resolution creating the Georgia DUI Study Commission.

Referred to Committee on Rules.

SR 681. By Senators Hill of the 4th, Crofts of the 17th, Middleton of the 50th and others:

A resolution creating the Senate Study Committee on the Creation of a Public Retirement System for Emergency Medical Technicians.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 1408. By Representatives Jones of the 71st and Harbin of the 113th:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to prohibit the Department of Medical Assistance from adopting or administering a state plan that includes the requirement of a marketing enrollment coordinator as the means for the marketing to or the enrolling of Medicaid recipients into a health maintenance organization which has contracted with the department to provide health care delivery services to Medicaid recipients.

Referred to Committee on Health and Human Services.

HB 1444. By Representative DeLoach of the 172nd:

A bill to amend Part 2 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to crabs, so as to provide for requirements for obtaining a commercial crabbing license.

Referred to Committee on Natural Resources.

HB 1490. By Representative Holland of the 157th:

A bill to amend Chapter 3 of Title 50 of the Official Code of Georgia Annotated, relating to state symbols, so as to provide that the official state peanut monument shall be a certain peanut sculpture in Turner County.

Referred to Committee on Agriculture.

HB 1513. By Representatives Sherrill of the 62nd, Buck of the 135th, Jamieson of the 22nd and others:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for a tax credit for certain amounts expended for qualified caregiving expenses.

Referred to Committee on Finance and Public Utilities.

HB 1532. By Representative Richardson of the 26th:

A bill to amend Code Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons for hunting wildlife generally, so as to provide that persons with disabilities may obtain a crossbow permit for the taking of all game.

Referred to Committee on Natural Resources.

HB 1540. By Representatives Stancil of the 16th, Royal of the 164th, Pinholster of the 15th and Smith of the 12th:

A bill to amend Chapter 66 of Title 36 of the Official Code of Georgia Annotated, "The Zoning Procedures Law," so as to provide for the transfer of development rights.

Referred to Committee on State and Local Governmental Operations (General).

HB 1542. By Representatives Snelling of the 99th, Worthan of the 98th, Royal of the 164th and others:

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A bill to amend Article 1 of Chapter 10 of Title 16 of the Official Code of Georgia Annotated, relating to abuse of government office, so as to change certain provisions relating to sale of real or personal property to political subdivisions by local officers and employees and exceptions thereto.

Referred to Committee on Judiciary.

HB 1550. By Representatives Teper of the 61st, Porter of the 143rd, Buck of the 135th and others:

A bill to amend Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school property and facilities, so as to authorize county boards of education to build schoolhouses on real property leased from the state or a political subdivision, instrumentality, agency, or authority of the state; to amend Code Section 36-9-3 of the Official Code of Georgia Annotated, relating to sale or disposition of county property.

Referred to Committee on Education.

HB 1552. By Representatives Purcell of the 147th, Parham of the 122nd, Parrish of the 144th and others:

A bill to amend Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to provide for the establishment by the authority of a program of scholarship grants for students at North Georgia College who have previously completed two scholarship years at Georgia Military College.

Referred to Committee on Higher Education.

HB 1640. By Representatives Lane of the 146th, Dobbs of the 92nd, Hanner of the 159th and others:

A bill to amend Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits, and stamps generally, so as to provide for the creation of a lifetime sportsman's license; to set fees for such a license; to establish eligibility criteria; to provide for penalties for fraudulent acquisition of such a license; to establish the Wildlife Endowment Fund.

Referred to Committee on Natural Resources.

HB 1732. By Representatives Smith of the 175th and Smith of the 169th:

A bill to amend an Act providing a new charter for the City of Folkston in Charlton County, so as to change the corporate limits of the city.

Referred to Committee on State and Local Governmental Operations.

HB 1733. By Representatives Smith of the 175th and Smith of the 169th:

A bill to amend an Act creating a new charter for the City of Homeland in Charlton County, so as to change the corporate limits of the city.

Referred to Committee on State and Local Governmental Operations.

HB 1735. By Representative Porter of the 143rd:

A bill to amend an Act reconstituting the Board of Education of the City of Dublin, so as to change the provisions relating to per diem compensation of members of the board.

Referred to Committee on State and Local Governmental Operations.

HB 1736. By Representatives Childers of the 13th, Smith of the 12th and Perry of the 11th:

A bill to amend an Act providing for a homestead exemption from Floyd County School District ad valorem taxes for educational purposes for certain residents of that school district, so as to revise and change certain homestead exemptions for persons who are 62 to 74 years of age and for persons who are 75 years of age or over.

Referred to Committee on State and Local Governmental Operations.

HB 1737. By Representatives Childers of the 13th, Smith of the 12th and Perry of the 11th:

A bill to provide for an advisory referendum election to be held in Floyd County for the purposes of ascertaining if the consolidation of Floyd County and the City of Rome is desired by the people of said county.

Referred to Committee on State and Local Governmental Operations.

HB 1742. By Representative Parrish of the 144th:

A bill to provide a new charter for the City of Stillmore.

Referred to Committee on State and Local Governmental Operations.

HB 1744. By Representatives Sauder of the 29th, Shipp of the 38th, Parsons of the 40th and others:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the chief deputy sheriff, the chief investigator, and the executive assistant to the sheriff.

Referred to Committee on State and Local Governmental Operations.

HR 847. By Representative Smith of the 109th:

A resolution commending David P. Ridgeway, Sr.; designating the David P. Ridgeway, Sr., Bridge.

Referred to Committee on Transportation.

HR 1155. By Representative Smith of the 12th:

A resolution proclaiming "International Building Safety Week"

Referred to Committee on State and Local Governmental Operations (General).

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Agriculture has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1195. Do pass.

Respectfully submitted,

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Mr. President:

Senator Ragan of the 11th District, Chairman

The Committee on Economic Development, Tourism and Cultural Affairs has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 367. Do pass as amended.

Respectfully submitted,

Senator Broun of the 46th District, Chairman

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 643. Do pass.

HB 1582. Do pass.

HB 1160. Do pass.

HB 1596. Do pass by substitute.

HB 1178. Do pass by substitute.

HB 1631. Do pass.

HB 1350. Do pass by substitute.

HB 1656. Do pass.

HB 1433. Do pass.

HR 1067. Do pass by substitute.

HB 1467. Do pass.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 656. Do pass.

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1323. Do pass.

HB 1549. Do pass.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Public Safety has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1216. Do pass.

Respectfully submitted,

Senator Bowen of the 13th District, Chairman

Mr. President:

The Committee on Science, Technology and Industry has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 343. Do pass by substitute.

Respectfully submitted,

Senator Tysinger of the 41st District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

HB 251. Do pass as amended.

SB 657. Do pass by substitute.

SB 655. Do pass.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following bills and resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 641. Do pass.

HB 1299. Do pass as amended.

SR 648. Do pass as amended.

HB 1304. Do pass by substitute.

SR 653. Do pass.

HB 1538. Do pass.

SR 655. Do pass by substitute.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

The following bills and resolution were read the second time:

SB 180	SB 467	SB 621	SB 630	SB 634	SB 649
SB 660	SR 644	HB 516	HB 908	HB 1144	HB 1163
HB 1200	HB 1206	HB 1268	HB 1294	HB 1394	HB 1516

Senator Dean of the 31st moved that Senator Thompson of the 33rd be excused. On the motion, the yeas were 34, nays 1; the motion prevailed, and Senator Thompson was excused.

Senator Hooks of the 14th moved that Senator Cheeks of the 23rd be excused. On the motion, the yeas were 32, nays 0; the motion prevailed, and Senator Cheeks was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Abernathy	Burton	Gochenour
Balfour	Clay	Griffin
Blitch	Crotts	Guhl
Boshears	Dean	Harbison
Bowen	Fort	Henson
Broun, 46th	Gillis	Hill
Brown, 26th	Glanton	Hooks
Brush		Huggins

James	Marable	Streat
Johnson,D	Middleton	Tanksley
Johnson,E	Oliver	Taylor
Kemp	Price,R	Thomas,D
Lamutt	Price,T	Thomas,N
Land	Roberts	Turner
Langford	Scott	Tysinger
	Stokes	

Those not answering were:

Cagle	Perdue(PRS)	Starr
Cheeks (excused)	Ragan	Thompson (excused)
Egan	Ralston	Walker
Madden	Ray	

The following communications were received by the Secretary:

February 26, 1998

Honorable Frank Eldridge
Secretary of the Senate
State Capitol
Atlanta, GA 30334

Dear Frank:

Please note that my absence from the morning roll call this date was due to my attending an Appropriations Subcommittee meeting.

Very truly yours,

/s/ David Ralston

February 26, 1998

Honorable Frank Eldridge
Secretary of the Senate
State Capitol
Atlanta, GA 30334

Thursday, February 26, 1998 the Senate Appropriations sub committee on Natural Resources met at 8:00 A.M. to 10:30 A.M. in room 235 to discuss the budget.

All of the members were told the Senate would not take roll until the meeting adjourned. The motion was made to excuse Chairman Cheeks, not the other members. I would like to respectfully request the following members of the Natural Resources Appropriations sub committee be excused: Senators Cagle of the 49th, Gillis of the 20th, Madden of the 47th, Ragan of the 11th and Ralston of the 51st.

Sincerely,

/s/ Don Cheeks

Senator Perdue of the 18th, President Pro Tempore, led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Price of the 56th introduced the chaplain of the day, Dr. Malone Dodson, pastor of First United Methodist Church, Roswell, Georgia, who offered scripture reading and prayer.

Senator Taylor of the 12th introduced Ludlow Porch, radio personality, commended by SR 538, adopted previously, who addressed the Senate briefly.

Senator Roberts of the 30th introduced Wayne Rogers, spokesman for suicide prevention, commended by SR 585, adopted previously, who addressed the Senate briefly.

Senator Middleton of the 50th introduced representatives from the Georgia Academy of Family Physicians, commended by SR 657, adopted previously.

Senator Harbison of the 15th introduced representatives from the City of Columbus Chamber of Commerce, commended by SR 663, adopted previously.

Senator Griffin of the 25th introduced the doctor of the day, Dr. David Ringer of Greensboro, Georgia.

The following resolutions were read and adopted:

SR 669. By Senators James of the 35th, Hill of the 4th, Johnson of the 2nd and others:

A resolution declaring March 2, 1998, as "Safe Drivers' Awareness Day" and urging all drivers to observe all driver safety laws and to exercise reasonable caution and good judgment while driving.

SR 670. By Senators Clay of the 37th, Johnson of the 1st and Johnson of the 2nd:

A resolution commending The Mighty Eighth Air Force Heritage Museum.

SR 673. By Senator Glanton of the 34th:

A resolution commending Georgia optometrists and VISION USA.

SR 675. By Senator Hill of the 4th:

A resolution commending the first responders, emergency medical technicians, cardiac technicians, and paramedics of Georgia and observing the first annual Emergency Medical Services (EMS) Recognition Day.

SR 678. By Senators Marable of the 52nd, Dean of the 31st, Madden of the 47th and others:

A resolution endorsing the Read Across America campaign.

SR 679. By Senator Hill of the 4th:

A resolution honoring the memory of William E. Cobble and expressing regrets at his passing.

SR 682. By Senators Crotts of the 17th, Land of the 16th and Hill of the 4th:

A resolution commending Georgia Ambulance Network.

SR 683. By Senators Blich of the 7th, Boshears of the 6th, Balfour of the 9th and others:

A resolution commending Impact Ministries, the legislative aides serving the Georgia Senate, and their legislative coordinators.

SENATE RULES CALENDAR

www.libtool.com Thursday, February 26, 1998
 TWENTY-EIGHTH LEGISLATIVE DAY

- HB 1209 Adulterated or mishandled food; markings; penalties (C Aff-1st) Purcell-147th
- SB 543 Paramedics, Cardiac Technicians-certification, recertification (Substitute)(H&HS-4th)
- SR 331 CA: Municipal Jail Construction-additional fees in court cases to fund (Corr-37th)
- HB 1156 Hospitals; denial of staff privileges; exclude medical doctors (H&HS-50th) Childers-13th
- HB 442 Employees' Retirement; marriage after retirement; spouse's option (Ret-53rd) Cummings-27th
- HB 1211 Agricultural dealers; warehousemen; breach of bond (Ag-19th) Floyd-138th
- HB 1387 Medical assistance providers; requests for relief; amend provisions (Substitute)(H&HS-10th) Randall-127th
- SB 599 Health Records-governmental entities furnish to employees (Substitute)(H&HS-29th)
- SB 71 Child Custody-emotional, physical, psychological abuse evidence (Substitute)(S Judy-5th)
- HB 1219 MARTA; certain reserve funds; authorize investments (F&PU-44th) Royal-164th
- HB 1263 Real estate appraisers, brokers, and salespersons; amend provisions (Substitute)(ST&I-24th) Powell-23rd
- HB 1175 Excise tax; certain fees; exempt certain agricultural equipment (F&PU-11th) Royal-164th
- HB 1301 Soil conservation; promotion and education; authorize expenditure (Nat R-47th) Jamieson-22nd
- SB 575 Medical Assistance Act-reimbursement for hospital inpatient services (H&HS-47th)
- HB 812 Communications officers and dispatch centers; training in TDD's (Pub Saf-36th) Davis-48th
- HB 1295 Soil and water conservation; certain data; district supervisors provide (Nat R-47th) Jamieson-22nd
- HB 1351 Finfish; certain species; amend provisions (Nat R-20th) Lane-146th

HB 1315 Shrimp; seafood; boating safety zones; amend provisions (Substitute)(Nat R-20th) Purcell-147th

HB 1352 Game and fish; amend provisions (Nat R-20th) Lane-146th

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

HB 1209. By Representatives Purcell of the 147th, Reaves of the 178th and Floyd of the 138th:

A bill to amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, known as the "Georgia Food Act," so as to change the provisions relating to the detention or embargo of adulterated or misbranded food.

Senate Sponsor: Senator Johnson of the 1st.

Senators Perdue of the 18th and Johnson of the 1st offered the following amendment:

Amend HB 1209 by inserting following the word "article" on line 11 of page 2 the following:

"and introducing or attempting to introduce said article into commerce for the purpose of human consumption or processing for human consumption"

By inserting following the word "permission" on line 34 of page 2 the following:

"of the Commissioner. Upon application, the Commissioner shall grant permission to move or dispose of such article to a safe and secure area and in a safe and secure manner"

On the adoption of the amendment, the yeas were 29, nays 0, and the Perdue, Johnson of the 1st amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Gillis	Y Langford
Y Balfour	Y Glanton	Y Madden
Y Blitch	Y Gochenour	Y Marable
Y Boshears	Y Griffin	Y Middleton
Y Bowen	Guhl	Y Oliver
Y Broun, 46th	Y Harbison	Perdue(PRS)
Y Brown, 26th	Y Henson	Y Price,R
Y Brush	Y Hill	Y Price,T
Y Burton	Y Hooks	Y Ragan
Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Y Fort	Y Land	Y Streat

	Tanksley	Y	Thomas,N	Y	Tysinger
Y	Taylor	EX	Thompson		Walker
Y	Thomas,D	Y	Turner		

On the passage of the bill, the yeas were 49, nays 0.

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

Senator Harbison of the 15th moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 38, nays 1; the motion prevailed, and Senator Stokes was excused.

The President assumed the Chair.

The Calendar was resumed.

SB 543. By Senators Hill of the 4th, Thomas of the 10th, Marable of the 52nd and others:

A bill to amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to provide for the transfer of certification and recertification responsibilities for paramedics and cardiac technicians to the Department of Human Resources from the Composite Board of Medical Examiners; to provide for definitions.

The Senate Health and Human Services Committee offered the following substitute to SB 543:

A BILL

To be entitled an Act to amend Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, so as to provide for the transfer of certification and recertification responsibilities for paramedics and cardiac technicians to the Department of Human Resources from the Composite Board of Medical Examiners; to provide for definitions; to provide that the department may establish rules and regulations for the certification and recertification of emergency medical technicians, paramedics, and cardiac technicians; to provide for a criminal records check for paramedics and cardiac technicians; to enable certified paramedics and cardiac technicians to perform additional emergency medical services; to provide for emergency suspension of certification to protect the public safety; to provide for a grandfather clause; to provide for conforming changes; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 11 of Title 31 of the Official Code of Georgia Annotated, relating to emergency medical services, is amended by striking Code Section 31-11-2, relating to definitions, and inserting in lieu thereof a new Code section to read as follows:

“31-11-2.

As used in this chapter, the term:

(1) ‘Ambulance’ means a motor vehicle that is specially constructed and equipped and is intended to be used for the emergency transportation of patients, ~~including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this chapter.~~

(2) 'Ambulance attendant' means a person responsible for the care of patients being transported in an ambulance.

(3) 'Ambulance provider' means an agency or company providing ambulance service which is operating under a valid license from the Emergency Health Section of the Division of Public Health of the Department of Human Resources.

(4) 'Ambulance service' means the providing of emergency care and transportation on the public streets and highways of this state for a wounded, injured, sick, invalid, or incapacitated human being to or from a place where medical or hospital care is furnished.

(5) 'Cardiac technician' means a person who, having been trained and certified as an emergency medical technician and having completed additional training in advanced cardiac life support techniques in a training course approved by the department, is so certified by the Composite State Board of Medical Examiners prior to July 1, 1998, and the Department of Human Resources on and after July 1, 1998.

(6) 'Composite board' means the Composite State Board of Medical Examiners.

(6.1) 'Department' means the Department of Human Resources.

(7) 'Emergency medical services system' means a system which provides for the arrangement of personnel, facilities, and equipment for the effective and coordinated delivery in an appropriate geographical area of health care services under emergency conditions, occurring either as a result of the patient's condition or as a result of natural disasters or similar situations, and which is administered by a public or nonprofit private entity which has the authority and the resources to provide effective administration of the system.

(8) 'Emergency Medical Systems Communications Program' (EMSC Program) means any program established pursuant to Public Law 93-154, entitled the Emergency Medical Services Systems Act of 1973, which serves as a central communications system to coordinate the personnel, facilities, and equipment of an emergency medical services system and which:

(A) Utilizes emergency medical telephonic screening;

(B) Utilizes a publicized emergency telephone number; and

(C) Has direct communication connections and interconnections with the personnel, facilities, and equipment of an emergency medical services system.

(9) 'Emergency medical technician' means a person who has been certified by the department after having successfully completed an emergency medical care training program approved by the department.

(10) 'First responder' means any person or agency who provides on-site care until the arrival of a duly licensed ambulance service.

(11) 'Health districts' means the geographical districts designated by the department in accord with Code Section 31-3-15.

~~(12) 'Invalid car' means a motor vehicle not used for emergency purposes but used only to transport persons who are convalescent, sick, or otherwise nonambulatory.~~

~~(13)~~(12) 'License' when issued to an ambulance service signifies that its facilities and operations comply with this chapter and the rules and regulations issued by the department hereunder.

~~(14)~~(13) 'License officer' means the commissioner of human resources or his or her designee.

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~~(15)~~(14) 'Local coordinating entity' means the public or nonprofit private entity designated by the Board of Human Resources or its designee to administer and coordinate the EMSC Program in a health district established in accord with Code Section 31-3-15.

~~(16)~~(15) 'Paramedic' means any person who has been certified ~~as an advanced emergency medical technician~~ by the composite board before July 1, 1988 1998, or ~~any person who has been certified by that board on or after July 1, 1988; by the department on or after July 1, 1998,~~ as having been trained in emergency care techniques in a paramedic training course approved by the department, ~~but all such persons shall be designated on and after July 1, 1988, as paramedics.~~

~~(16.1)~~(16) 'Paramedic clinical preceptor' means a Georgia certified paramedic with a minimum of two years of emergency medical services experience who meets the standard requirements for paramedic preceptor training as established by the department.

(17) 'Patient' means an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.

(18) 'Person' means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than of the United States.

(19) 'Provisional license' when issued to an ambulance service means a license issued on a conditional basis to allow a newly established ambulance service a period of 30 days to demonstrate that its facilities and operations comply with this chapter and rules and regulations issued by the department under this chapter."

SECTION 2.

Said chapter is further amended by striking Code Section 31-11-5, relating to rules and regulations, and inserting in lieu thereof a new Code section to read as follows:

"31-11-5.

(a) The department is authorized to adopt and promulgate rules and regulations for the protection of the public health:

(1) Prescribing reasonable health, sanitation, and safety standards for transporting patients in ambulances;

(2) Prescribing reasonable conditions under which ambulance attendants are required;

(3) Establishing criteria for the training of ambulance attendants and prescribing further, that ambulance attendants prior to employment as such must at a minimum have successfully completed the emergency medical technician intermediate course ~~the American Red Cross advanced first-aid course~~ and an approved cardiopulmonary resuscitation course or other courses deemed equivalent by the department. ~~Within nine months of initial employment an attendant must complete an approved emergency medical technician course with required tests and be certified as an emergency medical technician in this state; and~~

(4) Prescribing procedures and standards for certifying and recertifying emergency medical technicians, paramedics, and cardiac technicians; and

~~(4)~~(5) Requiring that the ~~The~~ emergency medical technician course ~~is to be offered~~ at area hospitals and area technical vocational schools in conjunction with their emergency patient care and personnel training programs.

(b) Nothing in this Code section shall authorize the department to adopt and promulgate rules or regulations which shall prevent the continued use of dual purpose funeral coaches or hearses currently being used as ambulances if the vehicles otherwise conform in all respects to the requirements of Code Section 31-11-34, except for their size and shape.”

SECTION 3.

Said chapter is further amended by striking Code Section 31-11-51, relating to certification and recertification of emergency medical technicians, and inserting in lieu thereof a new Code section to read as follows:

“31-11-51.

~~(a) The board shall, by regulation, authorize the department shall by regulation to establish procedures and standards for certifying and recertifying emergency medical technicians, paramedics, and cardiac technicians.~~

(b) An applicant for initial certification as a paramedic or a cardiac technician must:

(1) Submit a completed application on a form to be prescribed by the department, which shall include evidence that the applicant is 18 years of age or older;

(2) Submit evidence that the applicant has a current certification as an emergency technician intermediate or the equivalent as set forth in the rules and regulations of the department;

(3) Submit from the training program attended a notarized statement that the applicant has completed a training course approved by the department;

(4) Submit evidence of a current criminal records verification which shall include at a minimum the applicant's fingerprints and a report from the National Crime Information Center;

(5) Submit to the department the application fee set forth in the rules and regulations of the department; and

(6) Meet such other requirements as are set forth in the rules and regulations of the department.

(c) The department shall adopt procedures and standards for its approval of paramedic training courses and cardiac technician training courses. The department shall adopt such regulations after consultation with appropriate public and private agencies and organizations concerned with medical education and the practice of medicine. Procedures and standards adopted by the department shall be consistent with the purposes and provisions of this chapter.”

SECTION 4.

Said chapter is further amended by striking Code section 31-11-52, relating to certification and recertification of and training for paramedics and cardiac technicians, and inserting in lieu thereof a new Code Section to read as follows:

“31-11-52.

~~(a) The composite board shall establish procedures and standards for certifying and recertifying paramedics and cardiac technicians. An applicant for initial certification as a paramedic or a cardiac technician must:~~

~~(1) Submit a completed application on a form to be prescribed by the composite board, which shall include evidence that the applicant is 18 years of age or older and is of good moral character;~~

~~(2) Submit from the department a notarized statement that the applicant has completed a training course approved by the department;~~

~~(3) Submit to the composite board a fee as set forth in the regulations of the composite board; and~~

~~(4) Meet such other requirements as are set forth in the rules and regulations of the composite board.~~

~~(b) The department shall also adopt procedures and standards for its approval of paramedic training courses and cardiac technician training courses. The department shall adopt such regulations after consultation with the composite board and other appropriate public and private agencies and organizations concerned with medical education and the practice of medicine. Procedures and standards adopted by the department shall be consistent with the purposes and provisions of this chapter.~~

Reserved.”

SECTION 5.

Said chapter is further amended by striking Code Section 31-11-54, relating to services which may be rendered by paramedics and trainees, and inserting in lieu thereof a new Code section to read as follows:

“31-11-54.

(a) Upon certification by the composite board department, paramedics may perform any service that a cardiac technician is permitted to perform. In addition, upon the order of a duly licensed physician and subject to the conditions set forth in paragraph (2) of subsection (a) of Code Section 31-11-55, paramedics may perform any other procedures which they have been both trained and certified to perform, including, but not limited to:

(1) Administration of parenteral injections of diuretics, anticonvulsants, hypertonic glucose, antihistamines, bronchodilators, emetics, narcotic antagonists, and others;

(2) Cardioversion; ~~and~~

(3) Gastric suction by intubation; ~~and~~

(4) All procedures taught as part of the approved curriculum for paramedics.

(b) While in training preparatory to becoming certified, paramedic trainees may perform any of the functions specified in this Code section under the direct supervision of a duly licensed physician, a registered nurse, or an approved paramedic clinical preceptor.”

SECTION 6.

Said chapter is further amended by striking Code Section 31-11-55, relating to services which may be rendered by cardiac technicians and trainees, and inserting in lieu thereof a new Code section to read as follows:

“31-11-55.

(a) Upon certification by the composite board department, cardiac technicians may perform any service that an emergency medical technician is entitled to perform and in addition may do any of the following:

- (1) Render first-aid and resuscitation services;
- (2) Upon the order of a duly licensed physician and as recommended by the Emergency Health Medical Services Advisory Council and approved by the composite board department:
- (A) Perform cardiopulmonary resuscitation and defibrillation in a pulseless, non-breathing patient;
 - (B) Administer approved intravenous solutions;
 - (C) Administer parenteral injections of antiarrhythmic agents, vagolytic agents, chronotropic agents, alkalizing agents, analgesic agents, narcotic antagonists, and vasopressor agents; and
 - (D) Perform pulmonary ventilation by esophageal airway and endotracheal intubation and related devices; and
 - (E) Perform other procedures taught as part of the approved curriculum for cardiac technicians.
- (b) While in training preparatory to becoming certified, cardiac technician trainees may perform any of the functions specified in this Code section under the direct supervision of a duly licensed physician, or a registered nurse, or an approved paramedic clinical preceptor.”

SECTION 7.

Said chapter is further amended by striking Code Section 31-11-56, relating to revocation of certificates issued to emergency medical technicians, and inserting in lieu thereof a new Code section to read as follows:

“31-11-56.

Certificates issued to emergency medical technicians, paramedics, and cardiac technicians pursuant to this chapter may be revoked for good cause, as set forth in the rules and regulations, by the department after notice to the certificate holder of the charges and an opportunity for hearing. Such proceedings shall be conducted in accordance with Chapter 13 of Title 50, the ‘Georgia Administrative Procedure Act.’ The department shall have the authority to conduct investigations and subpoena any documents relating to the fitness of emergency medical technicians, paramedics, and cardiac technicians. Such documents may be used in any hearing conducted by the department. The department shall also have the authority to immediately suspend the certificate of any emergency medical technician, paramedic, or cardiac technician if it can be reasonably shown that such individual constitutes a danger to the public safety.”

SECTION 8.

Said chapter is further amended by striking Code Section 31-11-57, relating to revocation of certificates issued to paramedics and cardiac technicians, and inserting in lieu thereof a new Code section to read as follows:

“31-11-57.

~~Certificates issued to paramedics and cardiac technicians pursuant to this chapter may be revoked for good cause by the composite board in accordance with established rules and regulations, after notice to the certificate holder of the charges and an opportunity for hearing. Such proceedings shall be conducted in accordance with Chapter 13 of Title 50, the ‘Georgia Administrative Procedure Act.’ The composite board shall have the authority to conduct investigations and subpoena any documents relating to the fitness of paramedics and cardiac technicians. Such documents may be used in any~~

hearing conducted by the composite board. Paramedics and cardiac technicians who were certified by the composite board under the old law prior to July 1, 1998, shall retain their certification. Paramedics and cardiac technicians seeking certification or recertification on or after July 1, 1998, shall be certified or recertified by the department as provided in this article."

SECTION 9.

Said chapter is further amended by striking Code Section 31-11-58, relating to recertification of emergency medical technicians and continuing education requirements, and inserting in lieu thereof a new Code section to read as follows:

"31-11-58.

(a) The department shall be authorized to require emergency medical technicians, paramedics, and cardiac technicians seeking recertification under this chapter to complete department approved continuing education. Paramedics and cardiac technicians must complete a minimum of 40 hours of department approved continuing education. The department shall be authorized to approve courses including but not limited to courses offered by the department, the number of hours required, and the category in which these hours should be earned.

(b) The department shall be authorized to waive the continuing education requirement in cases of hardship, disability, illness, or under such other circumstances as the department deems appropriate.

(c) The department shall be authorized to promulgate rules and regulations to implement and ensure compliance with the requirements of this Code section.

(d) This Code section shall apply to each certification and recertification cycle which begins after the ~~1992-1993~~ 1997-1998 renewal."

SECTION 10.

Said chapter is further amended by striking Code Section 31-11-58.1 in its entirety, relating to the recertification of paramedics and cardiac technicians and applicable continuing education requirements, which reads as follows:

"31-11-58.1.

(a) The composite board shall be authorized to require paramedics and cardiac technicians seeking recertification under this chapter to complete department approved continuing education of not less than 40 hours biennially. The department shall be authorized to approve courses including but not limited to courses offered by the department, the number of hours required, and the category in which these hours should be earned.

(b) The composite board shall be authorized to waive the continuing education requirement in cases of hardship, disability, illness, or under such other circumstances as the composite board deems appropriate.

(c) The composite board shall be authorized to promulgate rules and regulations to implement and ensure compliance with the requirements of this Code section.

(d) This Code section shall apply to each certification and recertification cycle which begins after the 1992-1993 renewal."

SECTION 11.

This Act shall become effective on July 1, 1998, and shall apply to all certification or recertification conducted on or after that date.

SECTION 12.

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

Senators Hill of the 4th and Dean of the 31st offered the following amendment:

Amend the Senate Health and Human Services Committee substitute to SB 543 by adding on line 10 of page 1 after the word and symbol “technicians;” the following:

“to provide for the establishment of the Georgia Emergency Medical Services Medical Directors Advisory Council (Georgia EMS MDAC), the council’s composition, and the council’s functions and duties;”

By striking in their entirety lines 10 through 18 on page 6 and inserting in lieu thereof the following:

“(c) The department shall adopt procedures and standards for paramedic training courses and cardiac technician training courses approved by the Georgia Emergency Medical Services Medical Directors Advisory Council (Georgia EMS MDAC). The department shall adopt such procedures and standards after consultation and approval of the Georgia EMS MDAC. Procedures and standards involving patient care adopted by the department will be subject to review and approval of the Georgia EMS MDAC and shall be consistent with the purposes and provisions of this chapter.

(d)(1) There is created the Georgia Emergency Medical Services Medical Directors Advisory Council. The council will have at a minimum the following powers and duties:

(A) To serve as a medical advisory and review board for the State Office of Emergency Medical Services and the Emergency Medical Services Advisory Council, acting as a liaison with the medical community, medical facilities, and some governmental entities;

(B) To advise on and review matters of medical direction and training in conformity with acceptable emergency medical practice and procedures;

(C) To recommend and review policies and procedures affecting patient care;

(D) To define the scope and extent of emergency medical practice for the emergency medical services of Georgia;

(E) To formulate medical protocols and assist in formulating communication protocols;

(F) To formulate and evaluate training objectives through review of emergency pre-hospital care reports; and

(G) To institute quality improvement activities related to patient care.

(2) The composition of the council shall be as follows:

(A) All regional Emergency Medical Services Medical Directors;

(B) Two physicians with extensive knowledge of Emergency Medical Services systems, to be selected by the Department’s Office of Emergency Medical Services;

(C) One physician to be selected by the Composite Board of Medical Examiners;

(D) One physician knowledgeable in injury prevention;

(E) One physician knowledgeable in communication;

(F) Three physicians knowledgeable and board eligible in trauma surgery;

(G) Three physicians knowledgeable and board eligible in emergency medicine;

(H) Three physicians knowledgeable and board eligible in pediatric medicine;

(I) ~~One physician knowledgeable~~ in disaster management; and

(J) One physician knowledgeable in terrorism tactics.

(3) Council membership positions can be eliminated or created if a two-thirds' majority of the current membership so agree in writing.

(4) A majority of the current council shall approve all new members.

(5) The council will meet at least quarterly.

(6) The council will implement bylaws and rules of governance. A quorum shall be two-thirds of the council members.

(7) The council or members shall not be held liable for damages in any legal action as a result of actions taken by the council in good faith without fraud, malice, or gross negligence."

By adding on line 32 of page 7 after the word "paramedics" the following:

"as approved by the Georgia Emergency Medical Services Medical Directors Advisory Council"

By adding on line 23 of page 8 after the word "technicians" the following:

"as approved by the Georgia Emergency Medical Services Medical Directors Advisory Council"

On the adoption of the amendment, the yeas were 29, nays 1, and the Hill, Dean amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 33, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 0.

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

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Senator Perdue of the 18th introduced Major General Goddard from the Air Logistics Center in Warner Robins, Georgia, who addressed the Senate briefly.

The Calendar was resumed.

SR 331. By Senator Clay of the 37th:

A resolution proposing an amendment to the Constitution of Georgia so as to provide that the General Assembly may provide for additional penalties or fees and allocate their use to the construction, operation, and staffing of municipal jails; to provide for the submission of this amendment for ratification or rejection.

A RESOLUTION

Proposing an amendment to the Constitution of Georgia so as to provide that the General Assembly may provide for additional penalties or fees and allocate their use to the construction, operation, and staffing of municipal jails; 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 III, Section IX, Paragraph VI of the Constitution is amended by striking in its entirety subparagraph (h) and inserting in lieu thereof the following:

“(h) The General Assembly is authorized to provide by general law for additional penalties or fees in any case in any court in this state in which a person is adjudged guilty of an offense against the criminal or traffic laws of this state or an ordinance of a political subdivision of this state. The General Assembly is authorized to provide by general law for the allocation of such additional penalties or fees for the construction, operation, and staffing of jails, correctional institutions, and detention facilities by counties or municipalities.”

SECTION 2.

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 be amended so as to authorize the General Assembly to provide for additional penalties or fees and allocate their use to the construction, operation, and staffing of municipal jails?”
- () NO

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, was agreed to.

On the adoption of the resolution proposing an amendment to the Constitution, a roll call was taken, and the vote was as follows:

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Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	N James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 51, nays 2.

The resolution, having received the requisite two-thirds constitutional majority, was adopted.

HB 1156. By Representative Childers of the 13th:

A bill to amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to the regulation of hospitals, so as to change the provisions relating to denial of hospital staff privileges.

Senate Sponsor: Senator Middleton of the 50th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Fort	Y Lamutt
Y Balfour	Y Gillis	Y Land
Y Blitch	Y Glanton	Y Langford
Y Boshears	Y Gochenour	Y Madden
Y Bowen	Y Griffin	Y Marable
Y Broun, 46th	Y Guhl	Y Middleton
Y Brown, 26th	Y Harbison	Y Oliver
Y Brush	Y Henson	Perdue
Y Burton	Y Hill	Y Price,R
Y Cagle	Y Hooks	Y Price,T
Y Cheeks	Y Huggins	Y Ragan
Y Clay	Y James	Y Ralston
Y Crotts	Y Johnson,D	Y Ray
Y Dean	Y Johnson,E	Y Roberts
Y Egan	Y Kemp	Y Scott

Y Starr	Y Taylor	Y Turner
EX Stokes	Y Thomas,D	Y Tysinger
Y Streat	Y Thomas,N	Walker
Tanksley	EX Thompson	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 442. By Representatives Cummings of the 27th, McBee of the 88th and Shanahan of the 10th:

A bill to amend Code Section 47-2-121 of the Official Code of Georgia Annotated, relating to retirement allowance options under the Employees' Retirement System of Georgia, so as to provide that a retired member who marries may elect a spouse's option.

Senate Sponsor: Senator Huggins of the 53rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

Senator Taylor of the 12th introduced Chris McCoy from Randolph County, a Naval Academy student and Heisman Trophy candidate, who addressed the Senate briefly.

The Calendar was resumed.

HB 1211. By Representatives Floyd of the 138th, Reaves of the 178th and Purcell of the 147th:

A bill to amend Chapter 9 of Title 2 of the Official Code of Georgia Annotated, relating to dealers in agricultural products, so as to change the provisions relating to breach of the conditions of the bond of a dealer in agricultural prod-

ucts and the provisions relating to breach of the conditions of the bond of a grain dealer.
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Senate Sponsor: Senator Streat of the 19th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1387. By Representative Randall of the 127th:

A bill to amend Code Section 49-4-153 of the Official Code of Georgia Annotated, relating to administrative hearings and appeals under the "Georgia Medical Assistance Act of 1977," so as to change the provisions relating to request for hearings by providers of medical assistance.

Senate Sponsor: Senator Thomas of the 10th.

The Senate Committee on Health and Human Services offered the following substitute to HB 1387:

A BILL

To be entitled an Act to amend Code Section 49-4-153 of the Official Code of Georgia Annotated, relating to administrative hearings and appeals under the "Georgia Medical Assistance Act of 1977," so as to change the provisions relating to request for hearings by providers of medical assistance; to change certain procedures; to provide certain requirements relating to time for hearings; to provide that a request for a hearing by a nursing home provider shall stay any recovery or recovery action; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 49-4-153 of the Official Code of Georgia Annotated, relating to administrative hearings and appeals under the "Georgia Medical Assistance Act of 1977," is amended by striking in its entirety paragraph (2) of subsection (b), which reads as follows:

"(2) A provider of medical assistance shall be entitled to a hearing in accordance with Code Sections 50-13-13 and 50-13-15. A decision shall be rendered in writing by an administrative law judge assigned to hear the matter. The administrative law judge shall be appointed by the Office of State Administrative Hearings. Should such a decision be adverse to a party and should a party desire to appeal that decision, the party must file a request therefor, in writing, with the commissioner within ten days of his or her receipt of the hearing decision. Such a request must enumerate all factual and legal errors alleged by the party. The commissioner may affirm, modify, or reverse the decision appealed from."

and inserting in lieu thereof a new paragraph (2) to read as follows:

"(2)(A) A provider of medical assistance may request a hearing on a decision of the Department of Medical Assistance with respect to a denial or nonpayment of or the determination of the amount of reimbursement paid or payable to such provider on a certain item of medical or remedial care of service rendered by such provider by filing a written request for a hearing in accordance with Code Sections 50-13-13 and 50-13-15 with the Department of Medical Assistance. The Department of Medical Assistance shall, within 15 business days of receiving the request for hearing from the provider, transmit a copy of the provider's request for hearing to the Office of State Administrative Hearings. The provider's request for hearing shall identify the issues under appeal and specify the relief requested by the provider. The request for hearing shall be filed no later than 15 business days after the provider of medical assistance receives the decision of the Department of Medical Assistance which is the basis for the appeal.

(B) The Office of State Administrative Hearings shall assign an administrative law judge to hear the dispute within 15 days after receiving the request. The hearing is required to commence no later than 90 days after the assignment of the case to an administrative law judge, and the administrative law judge shall issue a written decision on the matter no later than 30 days after the close of the record except when it is determined that the complexity of the issues and the length of the record require an extension of these periods and an order is issued by an administrative law judge so providing, but no longer than 30 days. Such time requirements can be extended by written consent of all the parties. Failure of the administrative law judge to comply with the above time deadlines shall not render the case moot.

(C) A request for hearing by a nursing home provider shall stay any recovery or recoupment action.

(D) Should the decision of the administrative law judge be adverse to a party and should a party desire to appeal that decision, the party must file a request therefor, in writing, with the commissioner within ten days of his or her receipt of the hearing decision. Such a request must enumerate all factual and legal errors alleged by the party. The commissioner may affirm, modify, or reverse the decision appealed from."

SECTION 2.

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

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
N Egan	Y	Madden	EX	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 51, nays 1.

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

SB 599. By Senators Langford of the 29th and Marable of the 52nd:

A bill to amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, so as to require governmental entities to furnish certain evaluations or reports regarding their employees to those employees or health care providers designated by such employees; to provide for immunity from liability.

The Senate Committee on Health and Human Services offered the following substitute to SB 599:

A BILL

To be entitled an Act to amend Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, so as to require governmental entities to furnish certain evaluations or reports regarding their law enforcement officers to those law enforcement officers or health care providers designated by such law enforcement officers; to provide for immunity from liability; to preserve certain rights and obligations; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 33 of Title 31 of the Official Code of Georgia Annotated, relating to health records, is amended by adding at the end a new Code section to read as follows:

“31-33-7.

(a) Notwithstanding the provisions of Code Section 31-33-4, if a law enforcement officer employed by a governmental entity is required to submit to a psychological or psychiatric examination for the purpose of assessing the law enforcement officer's fitness for duty, employment status, or assignment of duties, then, upon the written request of the law enforcement officer, the employer shall furnish to the law enforcement officer a complete copy of the evaluation or report.

(b) If the employer reasonably determines that disclosure of the evaluation or report to the law enforcement officer will be detrimental to the mental health of the law enforcement officer, then the employer may refuse to furnish the record or evaluation; provided, however, that upon such refusal the evaluation or report shall, upon written request by the law enforcement officer, be furnished by the employer to a health care provider treating the law enforcement officer or who has been designated by such law enforcement officer to receive such evaluation or report.

(c) Any employer or health care provider furnishing or making a report or evaluation in good faith pursuant to the provisions of this Code section shall not be civilly or criminally liable to the law enforcement officer or any other person for furnishing or making such report or evaluation.

(d) Nothing in this Code section shall amend, modify, or repeal any right or obligation of any person in any action or proceeding brought pursuant to Chapter 9 of Title 34, relating to workers' compensation.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Gillis	Y	Langford
Y	Balfour	Y	Glanton	Y	Madden
Y	Blitch	Y	Gochenour	Y	Marable
Y	Boshears	Y	Griffin		Middleton
Y	Bowen	Y	Guhl	Y	Oliver
Y	Broun, 46th	Y	Harbison		Perdue
Y	Brown, 26th	Y	Henson	Y	Price,R
Y	Brush	Y	Hill	Y	Price,T
Y	Burton	Y	Hooks	Y	Ragan
Y	Cagle	Y	Huggins	Y	Ralston
	Cheeks	Y	James	Y	Ray
Y	Clay	Y	Johnson,D		Roberts
Y	Crotts	Y	Johnson,E	Y	Scott
Y	Dean	Y	Kemp	Y	Starr
Y	Egan	Y	Lamutt	EX	Stokes
Y	Fort	Y	Land	Y	Streat

Y Tanksley	Y Thomas,N	Y Tysinger
Y Taylor	EX Thompson	Walker
Y Thomas,D	Y Turner	

On the passage of the bill, the yeas were 48, nays 0.

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

SB 71. By Senators Burton of the 5th, Oliver of the 42nd and Ralston of the 51st:

A bill to amend Code Section 19-9-1 of the Official Code of Georgia Annotated, relating to the determination of child custody, so as to provide for consideration of evidence regarding emotional, physical, or psychological abuse; to authorize orders that visitation take place only under supervision; to provide for lifting such restriction upon visitation.

The Senate Committee on Special Judiciary offered the following substitute to SB 71:

A BILL

To be entitled an Act to amend Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions concerning child custody proceedings, so as to provide for consideration of evidence regarding emotional, physical, or psychological abuse; to provide that under certain circumstances the court shall be authorized to order that visitation take place only under supervision; to provide for modification of orders of supervised visitation under certain conditions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, relating to general provisions concerning child custody proceedings, is amended by inserting in subsection (a) of Code Section 19-19-1, relating to the determination of child custody, a new paragraph between paragraphs (2) and (3) to be designated paragraph (2.1) to read as follows:

“(2.1) In any proceeding where the custody of a child or visitation by a parent is at issue and there is no finding of family violence, the court shall receive, if not previously received, and consider evidence of emotional, physical, or psychological abuse committed by one parent against the other parent, a member of the household, or the child. Where the evidence establishes that there is probable cause for concern for the safety and well-being of the child, the court shall be authorized to order that visitation involving the perpetrator of such abuse take place only under supervised conditions. After entering any such order, the court, sua sponte, or upon a motion by the parent subject to the order, may review such order of supervised visitation and, upon a showing by a preponderance of the evidence of parental rehabilitation and abatement of the conduct on which the order of supervised visitation was based, may modify such order and modify or eliminate the requirement for supervision as is in the best interest of the child.”

SECTION 2.

Said article is further amended by inserting in subsection (a) of Code Section 19-9-3, relating to discretion of court in custody disputes, a new paragraph between paragraphs (3) and (4) to be designated paragraph (3.1) to read as follows:

“(3.1) In any proceeding where the custody of a child or visitation by a parent is at issue and there is no finding of family violence, the court shall receive, if not previously received, and consider evidence of emotional, physical, or psychological abuse committed by one parent against the other parent, a member of the household, or the child. Where the evidence establishes that there is probable cause for concern for the safety and well-being of the child, the court shall be authorized to order that visitation involving the perpetrator of such abuse take place only under supervised conditions. After entering any such order, the court, sua sponte, or upon a motion by the parent subject to the order, may review such order of supervised visitation and, upon a showing by a preponderance of the evidence of parental rehabilitation and abatement of the conduct on which the order of supervised visitation was based, may modify such order and modify or eliminate the requirement for supervision as is in the best interest of the child.”

SECTION 3.

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

Senator Glanton of the 34th offered the following amendment:

Amend the committee substitute to SB 71 by striking on line 4, pg 1, the word “emotional,”

Striking on line 24 of page 1 the word “emotional,”

Striking on line 14 of page 2 the word “emotional,”

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blitch	N	Harbison	N	Ragan
N	Boshears		Henson	N	Ralston
N	Bowen		Hill	Y	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	N	James	Y	Starr
N	Burton	N	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	N	Streat
N	Cheeks	N	Kemp	N	Tanksley
Y	Clay	Y	Lamutt		Taylor
N	Crotts	N	Land	N	Thomas,D
Y	Dean		Langford	N	Thomas,N
N	Egan	Y	Madden	EX	Thompson
N	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	N	Tysinger
Y	Glanton	N	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the adoption of the amendment, the yeas were 17, nays 33, and the Glanton amendment to the committee substitute was lost.

On the adoption of the substitute, the yeas were 36, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

HB 1219. By Representatives Royal of the 164th, McKinney of the 51st, Jones of the 71st and Teper of the 61st:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to authorize the investment of certain reserve funds in additional investments.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Egan	Y Johnson,E
Y Balfour	Y Fort	Y Kemp
Y Blicht	Y Gillis	Y Lamutt
Y Boshears	Y Glanton	Y Land
Y Bowen	Y Gochenour	Langford
Y Broun, 46th	Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Y Brush	Y Harbison	Y Middleton
Y Burton	Y Henson	Y Oliver
Y Cagle	Y Hill	Perdue(PRS)
Y Cheeks	Y Hooks	Price,R
Y Clay	Y Huggins	Y Price,T
Y Crotts	Y James	Y Ragan
Y Dean	Y Johnson,D	Y Ralston

Y Ray	Y Streat	EX Thompson
Y Roberts	Tanksley	Y Turner
Y Scott	Taylor	Y Tysinger
Y Starr	Y Thomas,D	Y Walker
Y Stokes	Y Thomas,N	

On the passage of the bill, the yeas were 47, nays 0.

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

The following bill was taken up to consider House action thereto:

HB 1424. By Representatives Birdsong of the 123rd, Buck of the 135th, Royal of the 164th and others:

A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to the computation of taxable net income for income tax purposes, so as to increase the amount of retirement income exclusion.

Senator Starr of the 44th moved that the Senate recede from its amendment to HB 1424.

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

Abernathy	Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the motion, the yeas were 44, nays 0; the motion prevailed, and the Senate receded from its amendment to HB 1424.

The Calendar was resumed.

HB 1263. By Representative Powell of the 23rd:

A bill to amend Chapter 39A of Title 43 of the Official Code of Georgia Annotated, known as the "Real Estate Appraiser Classification and Regulation Act," so as to change certain time periods within which real estate appraisers are required to take certain actions.

Senate Sponsor: Senator Brush of the 24th.

The Senate Science, Technology and Industry Committee offered the following substitute to HB 1263:

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A BILL

To be entitled an Act to amend Chapter 39A of Title 43 of the Official Code of Georgia Annotated, known as the "Real Estate Appraiser Classification and Regulation Act," so as to change certain time periods within which real estate appraisers are required to take certain actions; to change the provisions relating to fees for real estate appraiser examination, activation, and renewal and reactivation of lapsed or inactive appraiser classifications; to change the provisions relating to notification by a real estate appraiser of change of address; to amend Chapter 40 of Title 43 of the Official Code of Georgia Annotated, relating to the regulation of real estate brokers and salespersons, so as to change certain time periods within which real estate brokers and salespersons are required to take certain actions; to change the provisions relating to nonresident licenses of brokers and salespersons; to change the provisions relating to license fees; to change the provisions relating to change of place of business and transfer of salesperson or associate broker; to change the provisions relating to the requirement of a trust or escrow checking account in order to engage in the real estate business; to provide that certain real estate brokers are not required to maintain a designated trust or escrow account; to prohibit certain conduct by real estate brokers, salespersons, licensees, schools, and instructors; to provide sanctions against such violators; to change certain sanctions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 39A of Title 43 of the Official Code of Georgia Annotated, known as the "Real Estate Appraiser Classification and Regulation Act," is amended by striking in their entirety subsections (g), (h), and (k) of Code Section 43-39A-11, relating to fees for real estate appraiser examination, activation, and renewal and reactivation of lapsed or inactive appraiser classifications, and inserting in lieu thereof new subsections (g), (h), and (k) to read as follows:

"(g) Any appraiser who does not wish to be actively engaged in real estate appraisal activity may continue an appraiser classification by making a written request within ~~14 days~~ 30 days of ceasing work that the appraiser classification be placed on inactive status. Any appraiser whose appraiser classification has been placed on an inactive status may not engage in real estate appraisal activity. To reactivate an appraiser classification held on inactive status, an appraiser must make application to the board prior to resuming real estate appraisal activity. Any appraiser who seeks to reactivate an appraiser classification which has been placed on inactive status shall be required to meet any continuing education requirement which the appraiser might have otherwise been required to meet during the period when the appraiser's appraiser classification was placed on inactive status. The education requirement for activating an appraiser classification on inactive status shall not apply to an appraiser who meets the continuing education requirement of subsection (b) of Code Section 43-39A-8 in each renewal period that such appraiser is on inactive status nor to an appraiser who has maintained an active appraiser classification in another state that has continuing education requirements while such appraiser's classification was on inactive status in Georgia.

(h) Any appraiser who places an appraiser classification on inactive status shall be required to pay the renewal fee provided for in subsection (d) of this Code section.

Whenever any appraiser on inactive status fails to pay the required fee, the appraiser classification shall be lapsed. If an appraiser on inactive status changes address, the appraiser shall notify the board of the new address, in writing, within ~~14 days~~ 30 days.”

“(k) A reasonable fee, not to exceed the renewal fee charged for an appraiser classification, may be imposed by the board on any applicant or appraiser who:

- (1) Fails to notify the board in writing within ~~14 days~~ 30 days of a change of address;
- (2) Fails to respond within ~~14 days~~ 30 days to a written inquiry from the board requesting further information on any application the applicant or appraiser has filed with the board; or
- (3) Submits to the board a check that is returned unpaid.”

SECTION 2.

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 43-39A-16, relating to notification by real estate appraiser of change of address and applicability of Chapter 7 of title 14, and inserting in lieu thereof a new subsection (a) to read as follows:

“(a) If an appraiser changes a residence or place of business address, such appraiser shall notify the board, in writing, within ~~14 days~~ 30 days of such change.”

SECTION 3.

Chapter 40 of Title 43 of the Official Code of Georgia Annotated, relating to the regulation of real estate brokers and salespersons, is amended by striking in its entirety paragraph (4) of subsection (c) of Code Section 43-40-9, relating to nonresident licenses, and inserting in lieu thereof a new paragraph (4) to read as follows:

“(4) Affiliate with a resident or nonresident broker if the applicant is an individual community association manager, salesperson, or associate broker. If a nonresident licensee terminates the affiliation with a broker licensed by the commission, the license of such nonresident shall automatically be terminated unless such nonresident places the license on inactive status or affiliates with another broker licensed by the commission within ~~14 days~~ 30 days. No license shall be issued to any member, officer, independent contractor, employee, or partner of a nonresident partnership, limited liability company, or corporation until said partnership, limited liability company, or corporation qualifies for a broker’s license. A nonresident corporation or limited liability company must obtain from the proper agency and maintain a certificate of authority to transact business in this state;”

SECTION 4.

Said chapter is further amended by striking in their entirety subsections (g), (h), and (m) of Code Section 43-40-12, relating to license fees of real estate brokers and salespersons, and inserting in lieu thereof new subsections (g), (h), and (m) to read as follows:

“(g) Any real estate broker who does not wish to be actively engaged in the brokerage business or any licensee who is temporarily not actively engaged on behalf of a broker may continue a license by making a written request within ~~14 days~~ 30 days of ceasing work that the license be placed on inactive status. Any licensee whose license has been placed on an inactive status may not engage in the real estate brokerage business except in connection with property owned by the licensee. To reinstate a license held on inactive status, a licensee other than a broker must secure the signature of

the broker for whom the licensee wishes to act; and a broker must make application to the commission prior to resuming brokerage activity. Any individual licensee who seeks to activate a license which has been on inactive status for a period of two years or longer shall be required to attend a commission approved course of study prior to activating an inactive license. The course of study shall consist of a commission approved education course or courses totaling at least six hours for each year the license was on inactive status. This education requirement for activating a license on inactive status shall not apply to licensees who meet the continuing education requirement of subsection (e) of Code Section 43-40-8 in each renewal period that they are on inactive status nor to licensees who maintained an active license in another state that has continuing education requirements while such licensee's license was on inactive status in Georgia.

(h) Any licensee who places a license on inactive status shall be required to pay the license renewal fee provided for in subsection (d) of this Code section. Whenever any licensee on inactive status fails to pay the required renewal fees, the licensee's license shall be lapsed. If a licensee on inactive status changes address, the licensee shall notify the commission of the new address, in writing, within ~~14 days~~ 30 days."

"(m) A reasonable fee, not to exceed the renewal fee charged broker licensees, may be imposed by the commission on a licensee who:

(1) Fails to notify the commission in writing within ~~14 days~~ 30 days of a change of address, of the opening or closing of a designated trust account, of transferring to a new company, or of leaving a firm to go on inactive status;

(2) Fails to affiliate with a new company or to apply to go on inactive status within ~~14 days~~ 30 days of the commission's receipt of notice that the broker holding the licensee's license no longer wishes to do so and has mailed a letter to the licensee's last known address indicating that the broker is returning the license to the commission;

(3) Fails to respond within ~~14 days~~ 30 days to a written inquiry from the commission requesting further information on any application the licensee has filed with the commission; and

(4) Submits to the commission a check that is returned unpaid."

SECTION 5.

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 43-40-19, relating to change of place of business and transfer of salesperson or associate broker, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) Should a broker change the address of the broker's place of business, the broker shall notify the commission, in writing, within ~~14 days~~ 30 days of such change."

SECTION 6.

Said chapter is further amended by striking in its entirety Code Section 43-40-20, relating to the requirement of a trust or escrow checking account in order to engage in the real estate business, and inserting in lieu thereof a new Code Section 43-40-20 to read as follows:

"43-40-20.

(a) Each broker who accepts down payments, earnest money deposits, security deposits, rents, association fees, or other trust funds in a real estate brokerage transaction or whose affiliated licensees accept such trust funds shall maintain a separate, feder-

ally insured bank checking account in this state which shall be designated a trust or escrow account wherein all down payments, earnest money deposits, or other trust funds received by the broker or the broker's affiliated licensees, on behalf of a principal or any other person, shall be deposited. An account so designated and registered with the commission shall not be subject to attachment or garnishment. A broker who does not accept trust funds in real estate brokerage transactions is not required to maintain a designated trust or escrow account; provided, however, that if a broker does not maintain such a trust or escrow account and later receives trust funds in a real estate brokerage transaction, such broker must open the designated trust or escrow account required by this subsection within one business day of the receipt of such trust funds.

(b) Each broker who is required to maintain a trust or escrow account shall notify the commission of the name of the bank in which the trust account is maintained and also the number of the account or, if the bank does not use numbered accounts, the name of the account on forms provided therefor.

(c) Each broker who maintains a trust account shall authorize the commission to examine such trust account by a duly authorized representative of the commission. The commission may examine such account at any time upon reasonable cause. The commission shall examine each broker's trust account or accounts during each renewal period. In lieu of an examination of any such account or accounts by a duly authorized representative of the commission, the commission, in its discretion, may accept a written report from a certified public accountant that the broker's trust account or accounts are maintained in accordance with the provisions of this chapter and its attendant rules and regulations. In lieu of the renewal period examination by a duly authorized representative of the commission, the commission may accept with the broker's renewal application and fee a summary of data on the broker's trust account or accounts on a form prepared by or approved by the commission if that data appears complete and includes no indication of irregularities. The commission, after initiating an authorized investigation, may require that a broker supply to it written reports on the status of the broker's designated trust account or accounts.

(d) A broker may maintain more than one trust account if the commission is advised of such account, as specified in subsections (a), (b), and (c) of this Code section.

(e) A broker shall not be entitled to any part of the earnest money or other money paid to the broker in connection with any real estate transaction as part or all of the broker's commission or fee until the transaction has been consummated or terminated.

(f) Any licensee, acting in the capacity of principal in the sale of interests in real estate owned by such licensee, shall deposit in a trust account in a state bank or trust company or any foreign bank which authorizes the commission to examine its records of such deposits those parts of all payments received on contracts which are necessary to meet any amounts concurrently due and payable on any existing mortgages, contracts for deed or other conveyancing instruments, reserves for taxes and insurance, or any other encumbrance on such receipts. Such deposits shall be maintained until disbursement is made under the terms of the encumbrance pertaining thereto and proper accounting on such property is made to the parties entitled thereto.

(g) The commission, in its discretion, may allow a nonresident broker who accepts any trust funds in a real estate brokerage transaction to maintain the trust account required in subsection (a) of this Code section in a bank of such nonresident broker's state of residence, provided that the commission is authorized to examine the account

at such time or times as the commission may elect and that the licensee meets the requirements of any rules which the commission may establish regarding the maintenance of such accounts.

(h) Community association managers, salespersons, or associate brokers who receive security deposits or other trust funds on property they own or who receive payments as described in subsection (f) of this Code section must deposit those funds into a designated trust account maintained by the broker with whom their licenses are affiliated or in a designated trust account approved by that broker. If the broker approves the affiliated licensee's holding such trust funds in a designated trust account owned by the licensee, the broker shall assure that the bank in which the account is maintained designates the account as a trust account and the broker shall notify the commission of the name of the bank in which the account is maintained, the number of the account, and the name of the licensee who owns the account. The licensee who owns such account shall maintain such records on the account as are required by this chapter and the applicable rules and regulations for brokers in maintaining their trust accounts. The licensee who owns such account shall provide to such licensee's broker on at least a quarterly basis a written reconciliation statement comparing the licensee's total trust liability with the reconciled bank balance of the licensee's trust account."

SECTION 7.

Said chapter is further amended by striking in its entirety subsection (a) of Code Section 43-40-25, relating to violations by licensees, schools, and instructors and sanctions therefor, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a) In accordance with the hearing procedures established for contested cases by Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act,' the commission shall have the power to reprimand licensees and approved schools or instructors; to revoke or suspend any license issued under this chapter; to revoke the license of a real estate broker or qualifying broker and simultaneously issue such licensee a salesperson's license; to revoke or suspend approval of any school or instructor; to impose a fine not to exceed \$1,000.00 for each violation of this chapter or its rules and regulations with fines for multiple violations limited to ~~\$2,000.00~~ \$5,000.00 in any one hearing; to require completion of a course of study in real estate brokerage or instruction; to require the filing of periodic reports by an independent accountant on a real estate broker's designated trust account; or to utilize any combination of these sanctions which the commission may deem appropriate whenever a license, a school approval, or an instructor approval has been obtained by false or fraudulent representation or whenever a licensee, an approved school, or an approved instructor has been found guilty of a violation of this chapter, or of the rules and regulations promulgated by the commission, or of any unfair trade practices, including, but not limited to, the following:

- (1) Because of race, color, religion, sex, disability, familial status, or national origin:
 - (A) Refusing to sell or rent after the making of a bona fide offer, or refusing to negotiate for the sale or rental of, or otherwise making unavailable or denying, real estate to any person;
 - (B) Discriminating against any person in the terms, conditions, or privileges of sale or rental of real estate or in the provision of services or facilities in connection therewith;
 - (C) Making, printing, or publishing or causing to be made, printed, or published any notice, statement, or advertisement, with respect to the sale or rental of real

estate, that indicates any preference, limitation, or discrimination or an intention to make any such preference, limitation, or discrimination;

(D) Representing to any person that any real estate is not available for inspection, sale, or rental when such real estate is in fact so available; or

(E) Representing explicitly or implicitly that a change has or will or may occur in a block, neighborhood, or area in order to induce or discourage the listing, purchasing, selling, or renting of real estate;

(2) Intentionally advertising material which is misleading or inaccurate or which in any way misrepresents any property, terms, values, policies, or services of the business conducted;

(3) Failing to account for and remit any money coming into the licensee's possession which belongs to others;

(4) Commingling the money or other property of the licensee's principals with the licensee's own;

(5) Failing to maintain and deposit in a separate, federally insured checking account all money received by said broker acting in said capacity, or as escrow agent or the temporary custodian of the funds of others, in a real estate transaction unless all parties having an interest in said funds have agreed otherwise in writing;

(6) Accepting, giving, or charging any undisclosed commission, rebate, or direct profit on expenditures made for a principal or any undisclosed commission, rebate, or direct profit for procuring a loan or insurance or for conducting a property inspection related to a real estate transaction;

(7) Representing or attempting to represent a real estate broker, other than the broker holding the licensee's license, without the express knowledge and consent of the broker holding the licensee's license;

(8) Accepting a commission or other valuable consideration by a licensee from anyone other than the broker holding that licensee's license without the consent of that broker;

(9) Acting in the dual capacity of agent and undisclosed principal in any transaction;

(10) Guaranteeing or authorizing any person to guarantee future profits which may result from the resale of real property;

(11) Placing a sign on any property offering it for sale or rent without the written consent of the owner or the owner's authorized agent and failing to remove such sign within ten days after the expiration of listing;

(12) Offering real estate for sale or lease without the knowledge and consent of the owner or the owner's authorized agent or on terms other than those authorized by the owner or the owner's authorized agent;

(13) Inducing any party to a contract of sale or lease, a listing contract, an exclusive agency contract or agreement, or a management agreement to break such contract or agreement for the purpose of substituting in lieu thereof any other contract or agreement with another principal;

(14) Negotiating a sale, exchange, or lease of real estate directly with an owner or lessor if the licensee knows that such owner has a written outstanding contract in connection with such property granting an exclusive agency or an exclusive right to sell to another broker;

- (15) Indicating that an opinion given to a potential seller, purchaser, landlord, or tenant regarding a listing, lease, rental, or purchase price is an appraisal unless such licensee holds an appraiser classification in accordance with Chapter 39A of this title;
- (16) Performing or attempting to perform any of the acts of a licensee on property located in another state without first having been properly licensed in that state or otherwise having complied fully with that state's laws regarding real estate brokerage;
- (17) Paying a commission or compensation to any person for performing the services of a real estate licensee who has not first secured the appropriate license under this chapter or is not cooperating as a nonresident who is licensed in such nonresident's state or foreign country of residence, provided that nothing contained in this subsection or any other provision of this Code section shall be construed so as to prohibit the payment of earned commissions:
- (A) To the estate or heirs of a deceased real estate licensee when such deceased real estate licensee had a valid Georgia real estate license in effect at the time the commission was earned and at the time of such person's death; or
 - (B) To a citizen of another country acting as a referral agent if that country does not license real estate brokers and if the Georgia licensee paying such commission or compensation obtains and maintains reasonable written evidence that the payee is a citizen of said other country, is not a resident of this country, and is in the business of brokering real estate in said other country;
- (18) Failing to include a fixed date of expiration in any written listing agreement and failing to leave a copy of said agreement with the principal;
- (19) Failing to deliver, within a reasonable time, a completed copy of any purchase agreement or offer to buy or sell real estate to the purchaser and to the seller;
- (20) Failure by a broker to deliver to the seller in every real estate transaction, at the time said transaction is consummated, a complete, detailed closing statement showing all of the receipts and disbursements handled by such broker for the seller or failure to deliver to the buyer a complete statement showing all money received in said transaction from such buyer and how and for what the same was disbursed; the broker shall retain true copies of such statements in the broker's files;
- (21) Making any substantial misrepresentations;
- (22) Acting for more than one party in a transaction without the express written consent of all parties to the transaction;
- (23) Failure of an associate broker, salesperson, or community association manager to place, as soon after receipt as is practicably possible, in the custody of the broker holding the licensee's license any deposit money or other money or funds entrusted to the licensee by any person dealing with the licensee as the representative of the licensee's licensed broker;
- (24) Filing a listing contract or any document or instrument purporting to create a lien based on a listing contract for the purpose of casting a cloud upon the title to real estate when no valid claim under said listing contract exists;
- (25) Having demonstrated incompetency to act as a real estate licensee in such manner as to safeguard the interest of the public or any other conduct whether of the same or a different character than heretofore specified which constitutes dishonest dealing;

- (26) Obtaining an exclusive listing, sales contract, or management agreement from any owner while knowing or having reason to believe that another broker has an exclusive listing on the property, unless the licensee has written permission from the broker having the first exclusive listing; provided, however, that notwithstanding the provisions of this paragraph, a licensee shall be permitted to present a proposal or bid for community association management if requested to do so in writing from a community association board of directors;
- (27) Failing to keep for a period of three years a true and correct copy of all sales contracts, closing statements, and other documents relating to real estate closings or failing to produce documents at the reasonable request of the commission or any of its agents for their inspection;
- (28) Being or becoming a party to any falsification of any portion of any contract or other document involved in any real estate transaction;
- (29) Conducting the closing of any real estate transaction by any licensee except a broker unless the licensee acts under the supervision of the broker under whom such licensee is licensed or under the supervision of a practicing attorney with the knowledge and consent of the broker;
- (30) Failing to obtain the written agreement of the parties indicating to whom the broker shall pay any interest earned on trust funds deposited into an interest-bearing checking account prior to depositing those funds into such account;
- (31) Failing to disclose in a timely manner to all parties in a real estate transaction any agency relationship that the licensee may have with any of the parties;
- (32) Attempting to perform any act authorized by this chapter to be performed only by a broker, associate broker, or salesperson while licensed as a community association manager; or
- (33) Attempting to sell, lease, or exchange the property of any member of a community association to which a licensee is providing community association management services without the express written consent of that association to do so;
- (34) Inducing any person to alter, modify, or change another licensee's fee or commission for real estate brokerage services without that licensee's prior written consent; or
- (35) Failing to obtain a person's agreement to refer that person to another licensee for brokerage or relocation services and to inform such person being referred whether or not the licensee will receive a valuable consideration for such referral.⁷

SECTION 8.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Broun, 46th	Y Cheeks
Y Balfour	Y Brown, 26th	Y Clay
Y Blitch	Y Brush	Y Crotts
Y Boshears	Y Burton	Y Dean
Y Bowen	Y Cagle	Y Egan

Y Fort	Y Kemp	Y Roberts
Y Gillis	Y Lamutt	Y Scott
Y Glanton	Y Land	Y Starr
Y Gochenour	Y Langford	Y Stokes
Griffin	Y Madden	Y Streat
Y Guhl	Y Marable	Y Tanksley
Y Harbison	Y Middleton	Y Taylor
Y Henson	Y Oliver	Y Thomas,D
Y Hill	Perdue(PRS)	Thomas,N
Y Hooks	Y Price,R	EX Thompson
Y Huggins	Y Price,T	Y Turner
James	Y Ragan	Y Tysinger
Y Johnson,D	Y Ralston	Walker
Y Johnson,E	Y Ray	

On the passage of the bill, the yeas were 50, nays 0.

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

HB 1175. By Representatives Royal of the 164th, Buck of the 135th, Jamieson of the 22nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to exempt from the excise tax on motor fuel certain sales of dyed fuel oils with respect to agricultural field use vehicles; to provide for annual licensing and fees for agricultural field use vehicles; to exempt fertilizer application equipment and crop protection chemical application equipment from such annual licensing and fees.

Senate Sponsor: Senator Ragan of the 11th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 50, nays 0.

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

HB 1301. By Representative Jamieson of the 22nd:

A bill to amend Code Section 2-6-33 of the Official Code of Georgia Annotated, relating to powers of soil and water conservation districts and supervisors, so as to change certain provisions regarding certain soil conservation, erosion control, or erosion prevention projects.

Senate Sponsor: Senator Madden of the 47th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears		Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush		James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
Y	Egan	Y	Madden	EX	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
N	Glanton	Y	Oliver		Walker
Y	Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 47, nays 1.

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

SB 575. By Senators Madden of the 47th, Streat of the 19th, Gillis of the 20th and others:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to provide for uniform reimbursement for hospital inpatient services; to provide for an effective date.

Senator Balfour of the 9th moved the previous question.

On the motion, the yeas were 39, nays 0; the motion prevailed, and the previous question was ordered.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	N	Ray
Y Broun, 46th	Y	Hooks		Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush		James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
N Cagle	N	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	N	Tanksley
Y Clay	N	Lamutt	Y	Taylor
N Crotts	N	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
N Egan	Y	Madden	EX	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
N Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 42, nays 9.

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

Senator Lamutt of the 21st moved that Senator Streat of the 19th be excused. On the motion, the yeas were 35, nays 1; the motion prevailed, and Senator Streat was excused.

The Calendar was resumed.

HB 812. By Representative Davis of the 48th:

A bill to specify certain requirements with respect to training in the use of telecommunications devices for the deaf (TDD's) for dispatch center communications officers; to amend Code Section 35-8-23 of the Official Code of Georgia Annotated, relating to training and certification of public safety communications officers, so as to require such training for newly certified communications officers.

Senate Sponsor: Senator Scott of the 36th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Crotts	Y Hooks
Y Balfour	Y Dean	Y Huggins
Y Blitch	N Egan	James
Y Boshears	Fort	Johnson,D
Y Bowen	Y Gillis	Y Johnson,E
Y Broun, 46th	Y Glanton	Y Kemp
Y Brown, 26th	Y Gochenour	Lamutt
Y Brush	Y Griffin	Y Land
Y Burton	Y Guhl	Y Langford
Y Cagle	Y Harbison	Y Madden
Y Cheeks	Y Henson	Y Marable
Y Clay	Y Hill	Y Middleton

Y Oliver	Y Roberts	Y Thomas,D
Perdue(PRS)	Y Scott	Thomas,N
Y Price,R	Y Starr	EX Thompson
Y Price,T	Y Stokes	Y Turner
Y Ragan	EX Streat	Y Tysinger
Y Ralston	Y Tanksley	Y Walker
Y Ray	Y Taylor	

On the passage of the bill, the yeas were 47, nays 1.

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

HB 1295. By Representative Jamieson of the 22nd:

A bill to amend Code Section 2-6-32 of the Official Code of Georgia Annotated, relating to duties of soil and water conservation district supervisors, so as to change certain provisions regarding surety bonds; to provide for a summary of certain financial data.

Senate Sponsor: Senator Madden of the 47th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	EX Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	EX Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1351. By Representative Lane of the 146th:

A bill to amend Code Section 27-4-130.1 of the Official Code of Georgia Annotated, relating to open seasons, creel and possession limits, and minimum and maximum size limits for certain finfish species and species groups, so as to change certain possession, creel, and size limits for certain species.

Senate Sponsor: Senator Gillis of the 20th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

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On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush		James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	EX	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	EX	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 49, nays 0.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 884. By Representatives Hugley of the 133rd, Taylor of the 134th and Polak of the 67th:

A bill to amend Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for denial, suspension, and revocation of various pesticide licenses, so as to provide for the denial or suspension of a license for failure to repay a student loan; to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for the denial or suspension of licenses for mortgage lenders and brokers for failure to repay a student loan.

The following communication was received by the Secretary:

February 23, 1998

Honorable Pierre Howard Lieutenant Governor and President of the Senate and Members of the Senate
Senate Chamber; Atlanta, Georgia 30334

Dear Lieutenant Governor Howard and Members of the Senate:

I submit to you, as provided by law, the following appointments to the Board of Regents of the University System of Georgia for confirmation:

The Honorable Shannon Amos of Muscogee County, for the term of office beginning June 20, 1997 and ending January 1, 2000.

The Honorable David H. Averitt of Bulloch County, for the term of office beginning July 9, 1997 and ending January 1, 1999.

The Honorable Juanita Powell Baranco of DeKalb County, for the term of office beginning January 5, 1998 and ending January 1, 2005.

The Honorable Hilton Hatchett Howell, Jr. of Fulton County, for the term of office beginning November 14, 1997 and ending January 1, 1999.

The Honorable Donald M. Leebern, Jr. of Muscogee County, for the term of office beginning January 5, 1998 and ending January 1, 2005.

The Honorable Glenn S. White of Gwinnett County, for the term of office beginning January 5, 1998 and ending January 1, 2005.

Sincerely,
/s/ Zell Miller
Governor

February 24, 1998

Honorable Pierre Howard Lieutenant Governor and President of the Senate and Members of the Senate
Senate Chamber; Atlanta, Georgia 30334

Dear Lieutenant Governor Howard and Members of the Senate:

I submit to you as provided by law, the following appointments for your confirmation:

The Honorable Ben Bennett of Chatham County, the Honorable Frank Henry of Hall County, and the Honorable William S. Lamb of Bibb County, as members of the State Board of Accountancy for the term of office beginning June 18, 1997 and ending June 30, 2000.

The Honorable Mary Edenfield of Pulaski County and the Honorable Ben F. Marsh of DeKalb County, as members of the Georgia Agricultural Exposition Authority for the term of office beginning January 6, 1998 and ending June 30, 1999.

The Honorable John T. Mitchell of Bibb County and the Honorable Foster Rhodes of Houston County, as members of the Georgia Agricultural Exposition Authority for the term of office beginning January 6, 1998 and ending June 30, 2000.

The Honorable Felton A. Jenkins, Jr. of Morgan County, as a member of the Georgia Agricultural Exposition Authority for the term of office beginning November 5, 1997 and ending June 30, 2001.

The Honorable James Eugene Sutherland, Sr. of Clayton County and the Honorable Robert Williams of Pierce County, as members of the Georgia Agricultural Exposition Authority for the term of office beginning January 6, 1998 and ending June 30, 2001.

The Honorable Samuel David Jones of Houston County, as a member of the State Board of Barbers for the term of office beginning November 7, 1997 and ending July 25, 2000.

The Honorable Moses Ector of DeKalb County, as a member of the State Boxing Commission for the term of office beginning January 10, 1997 and ending November 6, 1998.

The Honorable Les A. Schneider of Fulton County, as a member of the State Boxing Commission for the term of office beginning January 5, 1998 and ending July 20, 2001.

The Honorable Loring Baker of Fulton County and the Honorable Rick Camp of DeKalb County, as members of the State Boxing Commission for the term of office beginning January 5, 1998 and ending December 20, 2001.

The Honorable Therry Deal of Baldwin County, the Honorable Brenda Boyd Griffin of DeKalb County, the Honorable Lana Copeland Hardy of Fulton County and the Honorable Julie Sharpe of Tift County, as members of the Georgia Child Care Council for the term of office beginning January 27, 1998 and ending June 30, 1998.

The Honorable Julian T. Cope of Jasper County, the Honorable Joyce Evans of Lowndes County, the Honorable Anne D. Hoffman of DeKalb County and the Honorable Jeri Jaudon Kropp of Bulloch County, as members of the Georgia Child Care Council for the term of office beginning January 27, 1998 and ending June 30, 2000.

The Honorable Lynn Hurley Blackburn of Coweta County, the Honorable Melissa K. Davis of Gwinnett County and the Honorable Elizabeth Richards of Fulton County, as members of the Georgia Child Care Council for the term of office beginning January 27, 1998 and ending June 30, 2000.

The Honorable Ruth Claiborne of Fulton County, the Honorable Dawn Collins of DeKalb County, the Honorable Renorta Heard of Hall County, the Honorable Carol Hunstein of Fulton County, the Honorable Deborah A. Johnson of DeKalb County, the Honorable Clay Land of Muscogee County, the Honorable Jim Martin of Fulton County, the Honorable Barry McGough of DeKalb County, the Honorable R. Mark Rogers of Spalding County, the Honorable John Thomas of Fulton County and Honorable Mark VanBrackle of Tift County, as members of the Georgia Commission on Child Support for the term of office beginning December 8, 1997 and ending July 1, 1998.

The Honorable Brenda Franklin of Fulton County, as a member of the State Children's Trust Fund Commission for the term of office beginning April 15, 1997 and ending June 30, 1998.

The Honorable Jeffrey H. Brickman of DeKalb County, the Honorable Rebecca A. Cheatham of Chatham County, the Honorable Fleda Mask Jackson of Fulton County and the Honorable Marlene P. Mitchell-Tibbs of Muscogee County, as members of the State Children's Trust Fund Commission for the term of office beginning April 15, 1997 and ending June 30, 1999.

The Honorable S. David Doss of Floyd County, the Honorable Robert Pittman of Cobb County, the Honorable Anita Payne Smith of Hall County and the Honorable Roger Alan Williams of Bibb County, as members of the State Children's Trust Fund Commission for the term of office beginning April 15, 1997 and ending June 30, 2000.

The Honorable Sandro Wilfred Blalock of Tift County and the Honorable Velma McBride Murry of Clarke County, as members of the State Children's Trust Fund Commission for the term of office beginning September 11, 1997 and ending June 30, 1998.

The Honorable Barbara Weinstock Levy of Fulton County, as a member of the State Children's Trust Fund Commission for the term of office beginning September 11, 1997 and ending June 30, 2000.

The Honorable Roy F. Chalker, Jr. of Burke County, as a member of the Board of Community Affairs for the term of office beginning September 23, 1997 and ending July 1, 2000.

The Honorable Roger Boatright of Bacon County, and the Honorable Robert L. Moore, Jr. of Toombs County, as members of the Board of Community Affairs for the term of office beginning September 23, 1997 and ending July 1, 2001.

The Honorable Deborah W. Espy of Rockdale County, as a member of the Board of Community Affairs for the term of office beginning February 11, 1998 and ending July 1, 1998.

The Honorable Ken Davis of Clayton County, the Honorable James Michael Green of White County, the Honorable Bill Slaughter, Jr. of Lowndes County, the Honorable Ricky Dean Stevens of Emanuel County and the Honorable W. Chandler White, Jr. of Fulton County, as members of the Construction Industry Licensing Board for the term of office beginning December 19, 1997 and ending June 30, 1999.

The Honorable Asa Terrell Boynton of Clarke County and the Honorable Charles B. Webster of Richmond County, as members of the Board of Corrections for the term of office beginning August 14, 1997 and ending July 1, 2002.

The Honorable Vivian L. Bradshaw of Meriwether County, as a member of the State Board of Cosmetology for the term of office beginning February 11, 1998 and ending May 1, 1998.

The Honorable Carol Rudesal of Habersham County, as a member of the State Board of Cosmetology for the term of office beginning February 11, 1998 and ending August 9, 1998.

The Honorable Martha G. Harris of Clayton County, as a member of the State Board of Cosmetology for the term of office beginning February 11, 1998 and ending May 1, 2000.

The Honorable John Wesley Vollenweider of Troup County, as a member of the Georgia Board of Dentistry for the term of office beginning January 14, 1998 and ending August 1, 2000.

The Honorable Stephen D. Holcomb of Houston County, as a member of the Georgia Board of Dentistry for the term of office beginning November 10, 1997 and ending August 1, 2001.

The Honorable Thomas Moreland of Gwinnett County, as a member of the State Board of Registration for Professional Engineers and Land Surveyors for the term of office beginning June 19, 1997 and ending June 1, 2002.

The Honorable Jane Fahey of Fulton County, as a member of the State Ethics Commission for the term of office beginning February 25, 1997 and ending March 2, 2001.

The Honorable C. Richard Yarbrough of Cobb County, as a member of the State Ethics Commission for the term of office beginning February 25, 1997 and ending March 2, 1998.

The Honorable Robert C. Norman of Bibb County, as a member of the State Ethics Commission for the term of office beginning October 14, 1997 and ending March 2, 1998.

The Honorable Stephen M. Katz of Fulton County, as a member of the Board of Commissioners of the Commission on Equal Opportunity for the term of office beginning June 10, 1997 and ending September 24, 1997.

The Honorable Richard Bathrick of Fulton County, the Honorable Bryant Bradley of Chatham County, the Honorable Richard Darby of DeKalb County, the Honorable Tim Madison of Jackson County and the Honorable Kristin M. Pope of Clarke County, as members of the State Commission on Family Violence for the term of office beginning November 19, 1997 and ending November 2, 1998.

The Honorable Barbara McBrayer-Brice of DeKalb County and the Honorable Sandra Wood of Fulton County, as members of the State Commission on Family Violence for the term of office beginning November 19, 1997 and ending July 1, 1999.

The Honorable John Allen of Muscogee County, the Honorable Ralph Bowden of DeKalb County, the Honorable Betty Ann Cook of Fulton County, the Honorable Robert L. Doss of Cobb County, the Honorable Carla V. Hungate of Douglas County, the Honorable Cliff Jolliff of Hall County, the Honorable Arthur Kellerman of DeKalb County, the Honorable Joseph Lumpkin, Sr. of Clarke County, the Honorable Meg Rogers of Cherokee County, the Honorable Jamil Saba of Dougherty County and the Honorable Cynthia Wright of Fulton County, as members of the State Commission on Family Violence for the term of office beginning November 19, 1997 and ending November 2, 1999.

The Honorable Jim L. Gillis of Treutlen County, as a member of the State Forestry Commission for the term of office beginning January 12, 1998 and ending January 1, 2005.

The Honorable Paul W. Bryan, Jr. of Thomas County, as a member of the State Forestry Commission for the term of office beginning January 14, 1998 and ending January 1, 2004.

The Honorable Luther Conyers, Jr. of Decatur County, the Honorable Susan Holmes of Jasper County, the Honorable Betty Lou Hunter of Cobb County, the Honorable Evelyn Wright Turner of Muscogee County and the Honorable Ken Vance of Baldwin County, as members of the Harold F. Holtz Municipal Training Institute for the term of office beginning January 26, 1998 and ending July 1, 1998.

The Honorable Leonard Burse, Jr. of Ware County and the Honorable John R. Haynie of Cobb County, as members of the Harold F. Holtz Municipal Training Institute for the term of office beginning January 26, 1998 and ending July 1, 1999.

The Honorable George David Gowder, III of Union County, as a member of the Board of Human Resources for the term of office beginning September 17, 1997 and ending April 6, 1998.

The Honorable Albert Robert Shelley of Chatham County, as a member of the Board of Human Resources for the term of office beginning September 17, 1997 and ending April 6, 2002.

The Honorable David J. Lance of Gordon County, as a member of the Board of Industry, Trade and Tourism for the term of office beginning January 2, 1997 and ending July 1, 1999.

The Honorable Harold L. Bevis, Jr. of Fulton County, the Honorable Ingrid Saunders Jones of Fulton County and the Honorable A. Ray Weeks of Fulton County, as members of the Board of Industry, Trade and Tourism for the term of office beginning August 14, 1997 and ending July 1, 2002.

The Honorable Sherman R. Day of Lumpkin County and the Honorable William J. Shellem of Muscogee County, as members of the Board of Juvenile Justice for the term of office beginning September 26, 1997 and ending July 6, 2001.

The Honorable John Carey Bittick of Monroe County, the Honorable Eleanor C. Main of Fulton County and the Honorable John Eddie Wiggins of Crisp County as members of Juvenile Justice for the term of office beginning September 26, 1997 and ending July 6, 2002.

The Honorable Grace H. Taylor of Chatham County, as a member of the Georgia Board of Examiners of Licensed Practical Nurses for the term of office beginning August 25, 1997 and ending April 1, 1999.

The Honorable Barbara M. Dooley of Clarke County and the Honorable Roy Richards, Jr. of Carroll County, as members of the Georgia Lottery Corporation for the term of office beginning January 9, 1998 and ending December 15, 2002.

The Honorable Richard L. Holmes of Fayette County, as a member of the Board of Medical Assistance for the term of office beginning July 8, 1997 and ending June 30, 1999.

The Honorable Curtis Brantley of Ware County, as a member of the Board of Medical Assistance for the term of office beginning January 15, 1998 and ending June 30, 2000.

The Honorable Beauty P. Baldwin of Gwinnett County, as a member of the Board of Medical Assistance for the term of office beginning January 15, 1998 and ending June 30, 2001.

The Honorable Chenault William Haley of Fulton County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending September 1, 1999.

The Honorable Charles A. Walker of Decatur County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending September 1, 2000.

The Honorable Charles Bush May of Bibb County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending September 1, 2001.

The Honorable William A. Trotter, III of Columbia County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending December 31, 2000.

The Honorable Philip G. Wiltz, Jr. of Fulton County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 31, 1997 and ending September 1, 2000.

The Honorable Roy S. Winston of Fulton County, as a member of the Composite State Board of Medical Examiners for the term of office beginning November 3, 1997 and ending September 1, 1999.

The Honorable Robert S. Crumrine of Richmond County, as a member of the Composite State Board of Medical Examiners for the term of office beginning December 10, 1997 and ending September 1, 1999.

The Honorable Cecil F. Whitaker, Jr. of Muscogee County, as a member of the Composite State Board of Medical Examiners for the term of office beginning December 10, 1997 and ending September 1, 2001.

The Honorable Sam W. Doss, Jr. of Floyd County and the Honorable Chuck Reece of DeKalb County, as members of the Georgia Music Hall of Fame Authority for the term of office beginning July 7, 1997 and ending January 1, 2001.

The Honorable Bill M. Gilbert of Chattooga County, as a member of the Board of Natural Resources for the term of office beginning January 28, 1997 and ending January 1, 2003.

The Honorable Lenora Jordan Garrard of Muscogee County and the Honorable Reese J. Thompson of Toombs County, as members of the Board of Natural Resources for the term of office beginning February 5, 1998 and ending January 1, 2005.

The Honorable Lewis P. Brown, Jr. of Wilkes County, as a member of the Nonpublic Postsecondary Education Commission for the term of office beginning January 14, 1997 and ending July 1, 1998.

The Honorable Joseph Bascuas of Fulton County, the Honorable Tom Carey of Fulton County, the Honorable Betty Lumpkin of Randolph County and the Honorable Ronald J. Tomajko of DeKalb County, as members of the Nonpublic Postsecondary Education Commission for the term of office beginning September 15, 1997 and ending July 1, 2000.

The Honorable Sylvia L. Bond of Bibb County and the Honorable Linda R. Roberts-Betsch of Forsyth County, as members of the Georgia Board of Nursing for the term of office beginning May 21, 1997 and ending September 23, 1999.

The Honorable Marbury Taylor Stegall of DeKalb County, as a member of the Georgia Board of Nursing for the term of office beginning November 4, 1997 and ending September 23, 2000.

The Honorable Pamela Jones Gordon of Hart County, as a member of the State Board of Nursing Home Administrators for the term of office beginning September 16, 1997 and ending June 4, 1999.

The Honorable Walter S. Ray of Fulton County, as a member of the State Board of Pardons and Paroles for the term of office beginning December 31, 1997 and ending December 31, 2004.

The Honorable Horace W. Hancock of Crisp County, as a member of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund for the term of office beginning March 10, 1997 and ending June 30, 1998.

The Honorable Bobby D. Reed of Dooly County, as a member of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund for the term of office beginning March 10, 1997 and ending June 30, 1999.

The Honorable William L. Cline of Cherokee County, as a member of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund for the term of office beginning July 1, 1997 and ending June 30, 2000.

The Honorable M. David Alalof of Richmond County, as a member of the State Personnel Board for the term of office beginning December 8, 1997 and ending January 3, 2003.

The Honorable Jeffrey A. Sonnenfeld of Fulton County, as a member of the State Personnel Oversight Commission for the term of office beginning June 17, 1997 and ending June 30, 1998.

The Honorable J. Comer Yates of DeKalb County, as a member of the State Personnel Oversight Commission for the term of office beginning June 17, 1997 and ending June 30, 1999.

The Honorable Betty Smulian of Fulton County, as a member of the State Personnel Oversight Commission for the term of office beginning June 17, 1997 and ending June 30, 2000.

The Honorable C. Ann Perry of Hall County, as a member of the State Board of Pharmacy for the term of office beginning August 15, 1997 and ending November 1, 2001.

The Honorable Jeff Lurey of Gwinnett County and the Honorable D. Frank Landrum of Douglas County, as members of the State Board of Pharmacy for the term of office beginning August 15, 1997 and ending July 1, 2002.

The Honorable Virginia Andrews of Worth County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia for the term of office beginning September 24, 1997 and ending June 30, 1998.

The Honorable Garrison Baker of White County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia for the term of office beginning September 24, 1997 and ending June 30, 1999.

The Honorable J. Mike Green of Jones County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia for the term of office beginning September 24, 1997 and ending June 30, 2000.

The Honorable Tom Delaney of Troup County, as a member of the Professional Standards Commission for the term of office beginning September 5, 1996 and ending July 1, 1998.

The Honorable John Culbreath of Dougherty County, the Honorable William Pannell of Crisp County, the Honorable Beth Steele of Henry County, the Honorable Deborah Sue Wallace of Cobb County, the Honorable David Wallace of Lumpkin County and the Honorable William Ware of Hall County, as members of the Professional Standards Commission for the term of office beginning September 5, 1996 and ending July 1, 1999.

The Honorable Donald Steven Meck of Houston County, as a member of the State Board of Examiners of Psychologists for the term of office beginning November 10, 1997 and ending March 27, 2002.

The Honorable R. T. Strong of Fulton County, as a member of the Board of Public Safety for the term of office beginning August 18, 1997 and ending January 20, 1999.

The Honorable Robert E. Keller of Clayton County, as a member of the Board of Public Safety for the term of office beginning August 18, 1997 and ending January 20, 2000.

The Honorable Rooney L. Bowen, III of Dooly County, as a member of the Board of Public Safety for the term of office beginning September 23, 1997 and ending September 1, 2000.

The Honorable Hubert Laddell Smith of Floyd County, as a member of the Board of Public Safety for the term of office beginning January 27, 1998 and ending January 20, 2001.

The Honorable L. Cary Bittick of Monroe County and the Honorable Nick E. Giles of Taylor County, as a member of the Sheriffs' Retirement Fund of Georgia for the term of office beginning January 29, 1997 and ending June 30, 1999.

The Honorable Jarrett Eugene Hodge of Muscogee County, as a member of the Sheriffs' Retirement Fund of Georgia for the term of office beginning January 29, 1997 and ending June 30, 2000.

The Honorable Yvonne McGlockton McNeil of DeKalb County, as a member of the State Board of Examiners for Speech-Language Pathology and Audiology for the term of office beginning December 29, 1997 and ending July 1, 2000.

The Honorable Pete Cox of Sumter County, as a member of the Georgia Sports Hall of Fame Authority for the term of office beginning September 29, 1997 and ending November 29, 2000 and as a member of the Georgia Sports Hall of Fame Board for the term of office beginning September 29, 1997 and ending November 29, 2000.

The Honorable Denmark Groover, Jr. of Bibb County, as a member of the Georgia Sports Hall of Fame Authority for the term of office beginning August 14, 1997 and ending No-

vember 29, 2002 and as a member of the Georgia Sports Hall of Fame Board for the term of office beginning August 14, 1997 and ending November 29, 2002.

The Honorable Barry Phillips of Fulton County, as a member of the Georgia Sports Hall of Fame Board for the term of office beginning September 29, 1997 and ending November 29, 2002.

The Honorable Eunice L. Mixon of Tift County, as a member of the Georgia Student Finance Commission for the term of office beginning August 5, 1997 and ending March 15, 1998.

The Honorable Susan Perry of Rockdale County and the Honorable Florence Sumner of DeKalb County, as members of the Georgia Student Finance Commission for the term of office beginning August 5, 1997 and ending March 15, 1999.

The Honorable R. Kirby Godsey of Bibb County, as a member of the Georgia Student Finance Commission for the term of office beginning August 15, 1997 and ending March 15, 2003.

The Honorable Jimmy Tallent of Union County, as a member of the State Board of Technical and Adult Education for the term of office beginning April 11, 1997 and ending June 30, 2000.

The Honorable George L. Bowen of DeKalb County, as a member of the State Board of Technical and Adult Education for the term of office beginning September 26, 1997 and ending June 30, 2002.

The Honorable William Henry NeSmith, Jr. of Clarke County and the Honorable Michael J. Coles of Cobb County, as members of the Georgia Public Telecommunications Commission for the term of office beginning October 15, 1997 and ending June 30, 2001.

The Honorable Calvin C. Dudley of Franklin County, as a member of the Veterans Service Board for the term of office beginning February 5, 1998 and ending April 1, 2002.

The Honorable Horace E. Borders of Polk County, as a member of the Veterans Service Board for the term of office beginning February 5, 1998 and ending April 1, 2003.

The Honorable W. D. Harrell of Decatur County, as a member of the Veterans Service Board for the term of office beginning February 5, 1998 and ending April 1, 2004.

The Honorable Harrill Dawkins of Rockdale County, as Chairman of the State Board of Workers' Compensation for the term of office beginning August 6, 1997 and ending May 1, 2001.

The Honorable Vicki L. Snow of DeKalb County, as a member of the State Board of Workers' Compensation for the term of office beginning August 6, 1997 and ending May 1, 2001.

Sincerely,
/s/ Zell Miller
Governor

Senator Walker of the 22nd moved that the Senate adjourn until 9:00 A.M. tomorrow; the motion prevailed, and at 12:58 P.M., Senator Perdue of the 18th, President Pro Tempore, announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Friday, February 27, 1998
Twenty-ninth Legislative Day

The Senate met pursuant to adjournment at 9:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1746. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act creating the Board of Commissioners of Jones County, so as to change the provisions relating to compensation and travel expenses of the members of the board of commissioners.

HB 1748. By Representatives Stancil of the 16th, Pinholster of the 15th and Scheid of the 17th:

A bill to provide for the creation of one or more community improvement districts in Cherokee County and in each municipality therein.

HB 1430. By Representatives Powell of the 23rd, Parham of the 122nd, Lee of the 94th and others:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change certain provisions relating to registration and license requirements and penalties; to change certain provisions relating to transfer of license plates and revalidation decals.

HB 1435. By Representatives Henson of the 65th, Mueller of the 152nd, Jones of the 71st and others:

A bill to amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, so as to change the provisions relating to continuing education and the scope of practice of chiropractic.

HB 1157. By Representative Childers of the 13th:

A bill to amend Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations of actions, so as to extend the time limit applicable to certain actions for trespass upon or damage to realty; to change certain provisions regarding limitations on recovery for deficiency in planning, supervising, or constructing improvements to realty or for resulting injuries to property or persons.

HB 1253. By Representatives James of the 140th, Reaves of the 178th, Floyd of the 138th and others:

A bill to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to create the Georgia State Nutrition Assistance Program.

HB 1388. By Representatives Smith of the 169th, Barnes of the 33rd, Mosley of the 171st and others:

A bill to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to exemption of property from ad valorem taxation, so as to broaden the ad valorem tax exemption for places of religious worship to include properties owned by any national, state, or local denomination and the agencies thereof.

HB 751. By Representative Williams of the 114th:

A bill to amend Chapter 8 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Judges Retirement Fund of Georgia, so as to provide for an increase in compensation; to provide conditions for an effective date and automatic repeal.

HB 1576. By Representatives West of the 101st, Stallings of the 100th, Murphy of the 18th and others:

A bill to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to provide an exception from the definitions of "food sales establishment" and "food service establishment" for certain tax exempt organizations under certain conditions.

HB 1617. By Representatives Walker of the 141st and Martin of the 47th:

A bill to transfer certain ministerial functions relating to the payment of compensation, fees, and expenses for the superior courts and district attorneys from the Department of Administrative Services to the appropriate agencies within the Judicial Branch of state government.

HB 1274. By Representative Powell of the 23rd:

A bill to amend Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions relative to property, so as to provide exemptions to the requirement to disclose certain information when such disclosure is prohibited by or constitutes a violation of federal or state laws or regulations.

HB 1633. By Representatives McCall of the 90th, Hanner of the 159th, Lane of the 146th and others:

A bill to amend Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to fish, so as to provide limited liability for owners and operators of fishing locations under certain circumstances.

HB 978. By Representatives Wiles of the 34th, Davis of the 60th, Ehrhart of the 36th and others:

A bill to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, so as to provide immunity to manufacturers, distributors, dealers, and sellers of motor vehicles from civil liability for injuries caused by failure of an air bag to deploy in certain circumstances.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

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HR 1002. By Representative Barnes of the 33rd:

A resolution proposing an amendment to the Constitution so as to specify the educational purposes and programs for which lottery proceeds may be appropriated and expended.

HR 1185. By Representatives Lane of the 146th, Martin of the 145th, Smith of the 175th and others:

A resolution commending "The A-B-C's for Georgia's Children"

The House has agreed to the Senate substitute to the following bill of the House:

HB 714. By Representatives Mueller of the 152nd, Day of the 153rd, Snow of the 2nd and others:

A bill to amend Code Section 30-4-1 of the Official Code of Georgia Annotated, relating to right to equal public accommodations for the handicapped and the right to be accompanied by a guide dog or service dog, so as to delete certain restrictions on the right of totally or partially blind vendors to be accompanied by guide dogs.

The following bills were introduced, read the first time and referred to committees:

SB 686. By Senators Hill of the 4th, Thompson of the 33rd and Henson of the 55th:

A bill to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to provide for early voting; to provide for procedures and requirements; to provide for applications; to provide for ballots; to provide for powers, duties, and authority of the Secretary of State, election superintendents, and registrars; to provide for grants for multi-county early voting sites.

Referred to Committee on State and Local Governmental Operations (General).

SB 687. By Senators Guhl of the 45th and Crotts of the 17th:

A bill to create a board of elections and registration for Newton County and provide for its powers and duties; to provide for the composition of the board and the appointment, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to provide for effective dates.

Referred to Committee on State and Local Governmental Operations.

SB 688. By Senators Clay of the 37th, Lamutt of the 21st and Tanksley of the 32nd:

A bill to amend Code Section 15-1-9.1 of the Official Code of Georgia Annotated, relating to requesting judicial assistance from other courts, so as to allow assistance on a permanent basis; to provide for restrictions and limitations; to provide for related matters; to provide for an effective date.

Referred to Committee on Judiciary.

SB 689. By Senators Kemp of the 3rd, Blich of the 7th, Boshears of the 6th and Streat of the 19th:

A bill to amend Article 2 of Chapter 6 of Title 15 of the Official Code of Georgia Annotated, relating to clerks of superior courts, so as to provide for an optional increase in their compensation when clerks perform additional duties relating to excusing or deferring jurors.

Referred to Committee on Special Judiciary.

SB 690. By Senator Ralston of the 51st:

A bill to amend Chapter 12 of Title 15 of the Official Code of Georgia Annotated, relating to juries, so as to change the number of peremptory challenges allowed the prosecuting attorney and the accused in misdemeanor trials; to change the size of the jury panel in felony cases; to change the number of peremptory challenges allowed the prosecuting attorney and the accused in felony trials.

Referred to Committee on Judiciary.

SB 691. By Senator Ralston of the 51st:

A bill to amend Article 1 of Chapter 5 of Title 21 of the Official Code of Georgia Annotated, relating to general provisions relative to ethics in government, so as to regulate political contributions and expenditures by persons, firms, corporations, and labor organizations and separate segregated funds thereof.

Referred to Committee on Ethics.

SB 692. By Senator Thompson of the 33rd:

A bill to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicle parts dealers, so as to define and redefine terms; to make it unlawful for the owner or lessee of real property to allow to be or have certain used motor vehicles displayed or parked on such property for the purpose of selling or advertising the sale of such vehicles.

Referred to Committee on Consumer Affairs.

SB 693. By Senators Thompson of the 33rd and Dean of the 31st:

A bill to amend Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the Department of Transportation, so as to authorize the Department of Transportation to acquire, construct, operate, and maintain a demonstration safety rest area and information center in Cobb County; to provide for self-sufficient operation; to authorize the department to delegate its functions and to contract in other ways.

Referred to Committee on Transportation.

SR 692. By Senators Middleton of the 50th, Taylor of the 12th, Price of the 56th and others:

A resolution urging Congress to enact legislation to prohibit noncompete clauses by certain health centers.

Referred to Committee on Rules.

The following bills were read the first time and referred to committees:

HB 751. By Representative Williams of the 114th:

A bill to amend Chapter 8 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Judges Retirement Fund of Georgia, so as to provide for an increase in compensation; to provide conditions for an effective date and automatic repeal.

Referred to Committee on Retirement.

HB 884. By Representatives Hugley of the 133rd, Taylor of the 134th and Polak of the 67th:

A bill to amend Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for denial, suspension, and revocation of various pesticide licenses, so as to provide for the denial or suspension of a license for failure to repay a student loan; to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for the denial or suspension of licenses for mortgage lenders and brokers for failure to repay a student loan.

Referred to Committee on Agriculture.

HB 978. By Representatives Wiles of the 34th, Davis of the 60th, Ehrhart of the 36th and others:

A bill to amend Chapter 1 of Title 51 of the Official Code of Georgia Annotated, relating to general provisions relative to torts, so as to provide immunity to manufacturers, distributors, dealers, and sellers of motor vehicles from civil liability for injuries caused by failure of an air bag to deploy in certain circumstances.

Referred to Committee on Transportation.

HB 1157. By Representative Childers of the 13th:

A bill to amend Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to limitations of actions, so as to extend the time limit applicable to certain actions for trespass upon or damage to realty; to change certain provisions regarding limitations on recovery for deficiency in planning, supervising, or constructing improvements to realty or for resulting injuries to property or persons.

Referred to Committee on Judiciary.

HB 1253. By Representatives James of the 140th, Reaves of the 178th, Floyd of the 138th and others:

A bill to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to create the Georgia State Nutrition Assistance Program.

Referred to Committee on Agriculture.

HB 1274. By Representative Powell of the 23rd:

A bill to amend Chapter 1 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions relative to property, so as to provide exemptions to the requirement to disclose certain information when such disclosure is prohibited by or constitutes a violation of federal or state laws or regulations.

Referred to Committee on Judiciary.

HB 1388. By Representatives Smith of the 169th, Barnes of the 33rd, Mosley of the 171st and others:

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A bill to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to exemption of property from ad valorem taxation, so as to broaden the ad valorem tax exemption for places of religious worship to include properties owned by any national, state, or local denomination and the agencies thereof.

Referred to Committee on Finance and Public Utilities.

HB 1430. By Representatives Powell of the 23rd, Parham of the 122nd, Lee of the 94th and others:

A bill to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to change certain provisions relating to registration and license requirements and penalties; to change certain provisions relating to transfer of license plates and revalidation decals.

Referred to Committee on Transportation.

HB 1435. By Representatives Henson of the 65th, Mueller of the 152nd, Jones of the 71st and others:

A bill to amend Chapter 9 of Title 43 of the Official Code of Georgia Annotated, relating to chiropractors, so as to change the provisions relating to continuing education and the scope of practice of chiropractic.

Referred to Committee on Health and Human Services.

HB 1576. By Representatives West of the 101st, Stallings of the 100th, Murphy of the 18th and others:

A bill to amend Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to standards, labeling, and adulteration of food, so as to provide an exception from the definitions of "food sales establishment" and "food service establishment" for certain tax exempt organizations under certain conditions.

Referred to Committee on Consumer Affairs.

HB 1617. By Representatives Walker of the 141st and Martin of the 47th:

A bill to transfer certain ministerial functions relating to the payment of compensation, fees, and expenses for the superior courts and district attorneys from the Department of Administrative Services to the appropriate agencies within the Judicial Branch of state government.

Referred to Committee on Judiciary.

HB 1633. By Representatives McCall of the 90th, Hanner of the 159th, Lane of the 146th and others:

A bill to amend Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to fish, so as to provide limited liability for owners and operators of fishing locations under certain circumstances.

Referred to Committee on Natural Resources.

HB 1746. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act creating the Board of Commissioners of Jones County, so as to change the provisions relating to compensation and travel expenses of the members of the board of commissioners.

Referred to Committee on State and Local Governmental Operations.

HB 1748. By Representatives Stancil of the 16th, Pinholster of the 15th and Scheid of the 17th:

A bill to provide for the creation of one or more community improvement districts in Cherokee County and in each municipality therein.

Referred to Committee on State and Local Governmental Operations.

HR 1002. By Representative Barnes of the 33rd:

A resolution proposing an amendment to the Constitution so as to specify the educational purposes and programs for which lottery proceeds may be appropriated and expended.

Referred to Committee on Economic Development, Tourism and Cultural Affairs.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Defense and Veterans Affairs has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 583. Do pass by substitute.

Respectfully submitted,

Senator Harbison of the 15th District, Chairman

Mr. President:

The Committee on Education has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 612. Do pass by substitute.

HB 1185. Do pass.

Respectfully submitted,

Senator Marable of the 52nd District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1412. Do pass.

HB 1491. Do pass.

HB 1440. Do pass.

SB 438. Do pass by substitute.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1140. Do pass as amended.	SB 635. Do pass by substitute.
HB 1565. Do pass by substitute.	SB 490. Do pass by substitute.
SB 665. Do pass by substitute.	

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Interstate Cooperation has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SR 662. Do pass.

Respectfully submitted,

Senator Griffin of the 25th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 549. Do pass by substitute.	SB 633. Do pass.
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Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 475. Do pass by substitute.	SB 661. Do pass.
SB 415. Do pass by substitute.	HB 1444. Do pass.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 664. Do pass.	HB 1689. Do pass.
SB 672. Do pass.	HB 1690. Do pass.
SB 673. Do pass.	HB 1691. Do pass.
SB 674. Do pass.	HB 1701. Do pass.
SB 675. Do pass.	HB 1721. Do pass.
SB 676. Do pass.	SB 453. Do pass by substitute.
SB 677. Do pass.	SB 600. Do pass as amended.
HB 1574. Do pass.	HB 1529. Do pass.
HB 1646. Do pass.	

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolutions were read the second time:

SB 343	SB 367	SB 641	SB 643	SB 655	SB 656
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SB 657	SR 648	SR 653	SR 655	HB 251	HB 1160
HB 1178	HB 1195	HB 1216	HB 1299	HB 1304	HB 1323
HB 1350	HB 1433	HB 1467	HB 1538	HB 1549	HB 1582
HB 1596	HB 1631	HB 1656	HR 1067		

Senator Clay of the 37th moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Ralston was excused.

The President Pro Tempore called for the morning roll call, and the following Senators answered to their names:

Blitch	Griffin	Price,R
Boshears	Guhl	Price,T
Bowen	Harbison	Ragan
Broun, 46th	Henson	Ray
Brown, 26th	Hill	Roberts
Burton	Hooks	Scott
Cagle	Huggins	Starr
Cheeks	Johnson,E	Stokes
Clay	Kemp	Streat
Crotts	Lamutt	Tanksley
Dean	Land	Taylor
Egan	Madden	Thomas,D
Gillis	Marable	Thompson
Glanton	Middleton	Turner
Gochenour	Oliver	Tysinger

Those not answering were:

Abernathy	James	Ralston (excused)
Balfour	Johnson,D	Thomas,N
Brush	Langford	Walker
Fort	Perdue(PRS)	

The following communications were received by the Secretary:

Although I missed roll call, I was in attendance in the Senate at 9:30 A.M. 2/27/98.

/s/ Steve Langford 29th

February 27, 1998

TO: Honorable Frank Eldridge
Secretary of the Senate

FROM: Senator Diana Harvey Johnson

Please note that I was present on February 27, 1998 as my votes on the various bills will attest. However, at roll call I was in my office conducting constituent business.

Thank you for including this note in the JOURNAL, and for your continued support and cooperation.

Sincerely,

/s/Diana Harvey Johnson
State Senate
District 2

Senator Perdue of the 18th, President Pro Tempore led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Roberts of the 30th introduced the chaplain of the day, Mr. Alfred W. Roberts of Jasper, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 684. By Senator Kemp of the 3rd:

A resolution commending Hyon Chu Kim.

SR 685. By Senator Kemp of the 3rd:

A resolution recognizing Chris Williams.

SR 686. By Senator Kemp of the 3rd:

A resolution recognizing the Long County High School leadership program.

SR 687. By Senator Kemp of the 3rd:

A resolution commending Brunswick High School's "A Bridge to Our Future" project.

SR 688. By Senator Kemp of the 3rd:

A resolution commending the Glynn Academy National Honor Society.

SR 689. By Senators Brush of the 24th, Madden of the 47th and Hill of the 4th:

A resolution commending Mrs. Lula E. Hughes.

SR 690. By Senators Brush of the 24th and Cheeks of the 23rd:

A resolution recognizing and commending James N. Holton, Jr.

SR 691. By Senators Brush of the 24th and Cheeks of the 23rd:

A resolution commending Lanese Thomas.

SR 693. By Senators Ragan of the 11th and Turner of the 8th:

A resolution commending Mary-Cathryn Mooney.

SR 694. By Senators Thompson of the 33rd and Dean of the 31st:

A resolution recognizing and commending Brett Morgan Butler.

SR 695. By Senators Thompson of the 33rd and Dean of the 31st:

A resolution recognizing Mark Wills.

SR 696. By Senator Gochenour of the 27th:

A resolution commending Reverend Eddie Smith, Sr.

SR 697. By Senators Roberts of the 30th and Price of the 28th:

A resolution commending Jamie Price Lipscomb.

SR 699. By Senator Perdue of the 18th:

A resolution commending Reverend Willie J. Johnson.

HR 1185. By Representatives Lane of the 146th, Martin of the 145th, Smith of the 175th and others:

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A resolution commending "The A-B-C's for Georgia's Children; and for other purposes.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Friday, February 27, 1998

TWENTY-NINTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 664 Lamutt, 21st
Tanksley, 32nd
Thompson, 33rd
Clay, 37th
Abernathy, 38th
COBB COUNTY

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, as amended, so as to provide for a change in the compensation of the judges of the Juvenile Court of Cobb County; to provide for related matters; to provide for an effective date.

SB 672 Griffin, 25th
MORGAN COUNTY

A bill to provide for the nonpartisan nomination and election of the chief magistrate of the Magistrate Court of Morgan County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

SB 673 Griffin, 25th
MORGAN COUNTY

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Morgan County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

SB 674 Griffin, 25th
MORGAN COUNTY

A bill to create a court to be known as the State Court of Morgan County; to define its jurisdiction and powers; to provide for the election, qualifications, duties, powers, terms, and compensation of the judge and solicitor-general thereof; to provide for a court reporter; to provide for the pleading and practice and rules of procedure therein; to provide for jurors for said court.

- SB 675 Griffin, 25th
MORGAN COUNTY
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A bill to create a court to be known as the State Court of Morgan County; to define its jurisdiction and powers; to provide for the election, qualifications, duties, powers, terms, and compensation of the judge and solicitor-general thereof; to provide for a court reporter; to provide for the pleading and practice and rules of procedure therein; to provide for jurors for said court.
- SB 676 Cheeks, 23rd
CITY OF STAPLETON
A bill to amend an Act incorporating the City of Stapleton (formerly the Town of Spread), as amended, so as to change the corporate limits of the city.
- SB 677 Price, 28th
Langford, 29th
Roberts, 30th
CARROLL COUNTY, COWETA COUNTY, HEARD COUNTY, MERIWETHER COUNTY, TROUP COUNTY
A bill to amend an Act providing a supplemental salary for the judges of the Superior Court of the Coweta Judicial Circuit, as amended, so as to change the supplemental salaries for such judges; to provide for the apportionment of such supplement among the counties in the circuit.
- HB 1574 Taylor, 12th
QUITMAN COUNTY
A bill to create the Quitman County Water and Sewerage Authority.
- HB 1646 Johnson, 1st
Johnson, 2nd
CITY OF SAVANNAH
A bill to amend the several Acts relating to and incorporating the mayor and aldermen of the City of Savannah, so as to change and expand the corporate limits of the City of Savannah.
- HB 1689 Roberts, 30th
CITY OF CARROLLTON
A bill to amend an Act providing for homestead exemptions from City of Carrollton ad valorem taxes for educational purposes for certain residents of that school district, so as to provide for a homestead exemption for the full value of the homestead from ad valorem taxes for educational purposes for residents of the City of Carrollton who are 65 years of age or older and whose income does not exceed a specified amount.
- HB 1690 Roberts, 30th
CARROLL COUNTY

A bill to amend an Act providing for homestead exemptions from Carroll County ad valorem taxes for county purposes and from Carroll County ad valorem taxes for educational purposes for certain residents of that county and that school district, so as to provide for a homestead exemption for the full value of the homestead from ad valorem taxes for educational purposes.

HB 1691 Johnson, 1st
Johnson, 2nd
CITY OF BLOOMINGDALE

A bill to amend an Act creating a new charter for the City of Bloomington, so as to extend the present corporate limits of said municipality and annex and incorporate certain additional land to said municipality.

HB 1701 Dean, 31st
Marable, 52nd
CITY OF CARTERSVILLE

A bill to amend an Act reincorporating the City of Cartersville, so as to change provisions relating to the method of levying taxes for support of the Cartersville public schools; to change provisions relating to reimbursement of the city council.

HB 1721 Guhl, 45th
Crofts, 17th
ROCKDALE COUNTY

A bill to amend an Act creating a board of commissioners for Rockdale County, so as to change the method of filling vacancies.

Senator Cheeks of the 23rd asked unanimous consent that SB 676 be held from the Local Calendar. The consent was granted, and SB 676 was held from the Local Calendar for today.

The report of the committee, which was favorable to the passage of the bills on the Local Consent Calendar, was agreed to.

On the passage of the local bills, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Egan	Y Johnson,E
Y Balfour	Y Fort	Y Kemp
Y Blitch	Y Gillis	Y Lamutt
Y Boshears	Glanton	Y Land
Y Bowen	Y Gochenour	Y Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Y Brush	Y Harbison	Y Middleton
Y Burton	Henson	Y Oliver
Y Cagle	Y Hill	Perdue(PRS)
Y Cheeks	Hooks	Y Price,R
Y Clay	Y Huggins	Y Price,T
Y Crofts	Y James	Y Ragan
Y Dean	Y Johnson,D	EX Ralston

Y Ray	Y Streat	Y Thompson
Y Roberts	Y Tanksley	Y Turner
Y Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Walker
Y Stokes	Y Thomas,N	

On the passage of all the local bills, except SB 676, the yeas were 48, nays 0.

All the bills, on the Local Calendar, except SB 676, having received the requisite constitutional majority, were passed.

The President assumed the Chair.

Senator Ray of the 48th moved that Senator Madden of the 47th be excused. On the motion, the yeas were 31, nays 1; the motion prevailed, and Senator Madden was excused.

SENATE RULES CALENDAR

Friday, February 27, 1998
 TWENTY-NINTH LEGISLATIVE DAY

SB 660	Juvenile Proceedings-relating to ordered counseling, custody orders (Substitute)(Judy-38th)
HB 1516	Georgia National Guard; service cancelable educational loans (D&VA-4th) Birdsong-123rd
SR 644	Joint Stream Buffer Study Committee-create (Nat R-20th)
SB 616	Drivers' Licenses-furnishing of certain Public Safety Department records to General Assembly members (Pub Saf-23rd)
SB 649	Nonresident Fishing License-Department of Natural Resources issue to certain disabled veterans (Nat R-24th)
HB 1200	Magistrates; training requirements (Judy-42nd) McBee-88th
HB 1294	Coin operated amusement machines; permit stickers; display (Substitute)(C Aff-55th) Powell-23rd
SB 180	Temporary Guardian of Minor-notice on dissolution (Amendment) (S Judy-32nd)
HB 1096	Retirement and pensions; survivor's benefits; secondary beneficiary (Ret-5th) Cummings-27th
HB 1174	Homestead exemptions; persons receive when absent for health reasons (F&PU-44th) Royal-164th

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

The following general bills were read the third time and put upon their passage:

SB 660. By Senators Abernathy of the 38th, Oliver of the 42nd, Starr of the 44th and Walker of the 22nd:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to expand the circumstances when the court is authorized to order counseling or counsel and advice; to correct a cross reference; to provide for custody orders to last until the child's 18th birthday in certain circumstances.

The Senate Judiciary Committee offered the following substitute to SB 660:

A BILL

To be entitled an Act to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to expand the circumstances when the court is authorized to order counseling or counsel and advice; to correct a cross-reference; to provide for custody orders to last until the child's eighteenth birthday in certain circumstances; to provide for periodic reports; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, is amended by striking in its entirety Code Section 15-11-36.1, relating to court orders for counseling or counsel and advice, and inserting in its place the following:

"15-11-36.1.

When any child is before a juvenile court ~~for the first time~~ and such child is found by the court to have committed a delinquent act, to be a deprived child, to be an unruly child, or to have committed a juvenile traffic offense as defined in Code Section ~~15-11-43~~ 15-11-49, the court shall be authorized, in addition to any other disposition authorized by this article, to order such child and such child's parents or guardian to participate in counseling or in counsel and advice as determined by the court. Such counseling and counsel and advice may be provided by the court, court personnel, probation officers, professional counselors or social workers, psychologists, physicians, qualified volunteers, or appropriate public, private, or volunteer agencies as directed by the court and shall be designed to assist in deterring future delinquent or unruly acts, conditions of deprivation, or other conduct or conditions which would be harmful to the child or society."

SECTION 2.

Said article is further amended in Code Section 15-11-41, relating to disposition orders, by redesignating subsections (j), (k), (l), (m), (n), and (o) as subsections (k), (l), (m), (n), (o), and (p), respectively, and inserting a new subsection (j) to read as follows:

"(j) If, after a judicial hearing in which the court finds that reunification is not in the best interests of the child and custody is granted to a relative, the custody order shall remain in effect until the child's eighteenth birthday unless modified following a petition for modification by a party pursuant to Code Section 15-11-42. Within 36 months of the custody order and every 36 months thereafter, a probation officer or other person or agency designated by the court shall, after study, submit a report to the court addressing whether the relative with custody continues to be qualified to receive and care for the child. A copy of the report shall be mailed to the parents at their last known address."

SECTION 3.

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

On the adoption of the substitute, the yeas were 38, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	EX Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 1516. By Representatives Birdsong of the 123rd, Smith of the 175th, DeLoach of the 172nd and others:

A bill to amend Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to the service cancelable loan fund and authorized types of service cancelable educational loans, so as to change the provisions relating to service cancelable educational loans for eligible members of the Georgia National Guard.

Senate Sponsor: Senator Hill of the 4th.

Senators Hill of the 4th and Harbison of the 15th offered the following substitute to HB 1516:

A BILL

To be entitled an Act to amend Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to the service cancelable loan fund and authorized types of service cancelable educational loans, so as to change the provisions relating to service cancelable educational loans for eligible members of the Georgia National Guard; to provide for leg-

islative findings and intent; to provide for procedures and administration; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

The General Assembly finds that a fully-staffed, experienced, and well-organized National Guard is vital to the security and safety of the citizens of the nation and the state. A reduction in the manpower of the National Guard could result in the closing of certain military operations in this state causing severe economic hardship to certain counties and municipalities. It is imperative that the state remain competitive with other states and establish a recruitment and retention program to adequately staff the Georgia National Guard. The General Assembly declares that it is the intent of this Act that the Georgia Student Finance Authority exercise its authority to the fullest extent to facilitate the granting, processing, and renewal of service cancelable loans to eligible members of the Georgia National Guard as authorized in this Act.

SECTION 2.

Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to the service cancelable loan fund and authorized types of service cancelable educational loans, is amended by striking in its entirety paragraph (2) of subsection (b) and inserting in lieu thereof a new paragraph (2) to read as follows:

“(2) GEORGIA NATIONAL GUARD MEMBERS. To the extent that funds are appropriated, the authority is authorized to make service cancelable educational loans to residents of Georgia who are eligible members of the Georgia National Guard and who are enrolled at the undergraduate level in a private or public college or public vocational-technical postsecondary technical or vocational school located in the state. Members of the Georgia National Guard who are in good standing according to applicable regulations of the National Guard shall be eligible to apply for a loan. Such loans shall be on the terms and conditions set by the authority in consultation with the Department of Defense, provided that any such loan shall not exceed an amount equal to the actual tuition charged to the recipient for the period of enrollment in an educational institution or the tuition charged by the University of Georgia for the period of enrollment at the university, whichever is less. Students eligible for the HOPE scholarship or HOPE grant at an eligible public or private postsecondary institution are not eligible to receive this loan during a school term in which they are receiving HOPE scholarship or HOPE grant funds. A loan recipient shall not be eligible to receive loan assistance provided for in this paragraph for more than five academic years of study. Educational loans may be made to full-time and half-time students. Upon the recipient’s attainment of a baccalaureate degree from an institution or cessation of status as an active member, whichever occurs first, the loan provided by this paragraph shall be discontinued. The loan provided by this paragraph may be suspended at the discretion of the authority for a recipient’s failure to maintain good military standing as an active member or failure to maintain sufficient academic standing and good academic progress and program pursuit. The maximum loan amount for full-time students shall not exceed \$800.00 per academic year, and the maximum loan amount for half-time students shall not exceed \$400.00 per academic year. Such loans shall be repayable in cash, with interest thereon, or, upon satisfactory completion of a quarter, semester, year, or other period of study as determined by the authority; graduation;; termination of enrollment in school;; or termination of this assistance with approval of the authority, shall be canceled in con-

sideration of the student's retaining membership in the Georgia National Guard during the period in which the loan is applicable. ~~Loans made to full-time students shall be canceled on the basis of one year of membership service for each year of full-time academic study. Loans made to half-time students shall be canceled on the basis of six months of membership service for each year of half-time academic study.~~ The adjutant general of Georgia shall certify eligibility and termination of eligibility of students for educational loans and eligibility for cancellation of educational loans by members of the Georgia National Guard in accordance with regulations of the authority."

SECTION 3.

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

On the adoption of the substitute, the yeas were 44, nays 0, and the Hill, Harbison substitute to HB 1516 was adopted.

Pursuant to Senate Rule 143, action on HB 1516 was suspended and the bill was placed on the Senate General Calendar.

SR 644. By Senators Gillis of the 20th, Dean of the 31st, Middleton of the 50th and Ralston of the 51st:

A resolution creating the Joint Stream Buffer Study Committee.

Senator Madden of the 47th offered the following amendment:

Amend SR 644 by inserting on page 2 line 35 after homebuilders, "ecologist,"

On the adoption of the amendment, the yeas were 37, nays 1, and the Madden amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 53, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended. www.libtool.com.cn

SB 616. By Senators Cheeks of the 23rd, Bowen of the 13th and Streat of the 19th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to keeping of records of applications for drivers' licenses and information on licensees and furnishing of such information; to change certain provisions.

Senator Cheeks of the 23rd asked unanimous consent that SB 616 be dropped to the bottom of the Calendar. The consent was granted.

SB 649. By Senators Brush of the 24th and Harbison of the 15th:

A bill to amend Chapter 2 of Title 27 of the Official Code of Georgia Annotated, relating to licenses, permits, and stamps generally, so as to provide that the Department of Natural Resources may issue, without fee, courtesy nonresident fishing licenses to certain paralyzed or disabled veterans participating in a fishing tournament sponsored by a nonprofit charitable association of paralyzed veterans.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 54, nays 0.

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

HB 1200. By Representatives McBee of the 88th, Martin of the 47th and Hudgens of the 24th:

A bill to amend Code Section 15-10-137 of the Official Code of Georgia Annotated, relating to training requirements for magistrates, so as to change the provisions relating to training and certification of magistrates.

Senate Sponsor: Senator Oliver of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 53, nays 0.

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

Senator Guhl of the 45th introduced the doctor of the day, Dr. Monica Parker of Social Circle, Georgia.

Senator Hooks of the 14th introduced Joan Mason, Director of the Red Cross in Americus and Todd Rockmore. Joan Mason addressed the Senate briefly.

The Calendar was resumed.

HB 1294. By Representatives Powell of the 23rd and Hudson of the 156th:

A bill to amend Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to coin operated amusement machines, so as to redefine a term used in such chapter; to correct a cross reference; to change the provisions relating to the display of stickers issued for coin operated amusement machines.

Senate Sponsor: Senator Henson of the 55th.

The Senate Committee on Consumer Affairs offered the following substitute to HB 1294:

A BILL

To be entitled an Act to amend Code Section 16-12-35 of the Official Code of Georgia Annotated, relating to the nonapplicability of Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated to certain materials, equipment, devices,

and bona fide coin operated amusement machines, so as to provide for a definition; to amend Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to coin operated amusement machines, so as to redefine terms used in such chapter; to correct a cross-reference; to change the provisions relating to notice and hearings; to change the provisions relating to sanctions; to change the provisions relating to delivery of an order refusing an application or imposing a sanction; to change the provisions relating to the display of stickers issued for coin operated amusement machines; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-12-35 of the Official Code of Georgia Annotated, relating to the nonapplicability of Part 1 of Article 2 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated to certain materials, equipment, devices, and bona fide coin operated amusement machines, is amended by adding, following subsection (a) of said Code section, a new subsection (a.1) to read as follows:

“(a.1) As used in this Code section, the term ‘some skill’ means any presence of the following factors, alone or in combination with one another:

- (1) A learned power of doing a thing competently;
- (2) A particular craft, art, ability, strategy, or tactic;
- (3) A developed or acquired aptitude or ability;
- (4) A coordinated set of actions, including, but not limited to, eye-hand coordination;
- (5) Dexterity, fluency, or coordination in the execution of learned physical or mental tasks or both;
- (6) Technical proficiency or expertise;
- (7) Development or implementation of strategy or tactics in order to achieve a goal;
- or
- (8) Knowledge of the means or methods of accomplishing a task.

The term some skill refers to a particular craft, coordinated effort, art, ability, strategy, or tactic employed by the player to affect in some way the outcome of the game played on a bona fide coin operated amusement machine as defined in paragraph (2) of Code Section 48-17-1. If a player can take no action to affect the outcome of the game, the bona fide coin operated amusement machine does not meet the ‘some skill’ requirement of this Code section.”

SECTION 2.

Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to coin operated amusement machines, is amended by striking Code Section 48-17-1, relating to definitions, and inserting in its place the following:

“48-17-1.

As used in this chapter, the term:

- (1) ‘Applicant’ or ‘licensee’ means owner as defined in this Code section including an owner’s officers, directors, shareholders, individuals, members of any association or other entity not specified, and, when applicable in context, the business entity itself.
- (2) ‘Bona fide coin operated amusement machine’ means:

(A) Every machine of any kind or character used by the public to provide amusement or entertainment whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object and the result of whose operation depends in whole or in part upon the skill of the player, whether or not it affords an award to a successful player pursuant to subsections (b) through (f) (g) of Code Section 16-12-35, and which can be legally shipped interstate according to federal law. Examples of bona fide coin operated amusement machines include, but are expressly not limited to, the following:

- (i) Pinball machines;
- (ii) Console machines;
- (iii) Video games;
- (iv) Crane machines;
- (v) Claw machines;
- (vi) Pusher machines;
- (vii) Bowling machines;
- (viii) Novelty arcade games;
- (ix) Foosball or table soccer machines;
- (x) Miniature racetrack, football, or golf machines;
- (xi) Target or shooting gallery machines;
- (xii) Basketball machines;
- (xiii) Shuffleboard games;
- (xiv) Kiddie ride games;
- (xv) Skee-ball machines;
- (xvi) Air hockey machines;
- (xvii) Roll down machines;
- (xviii) Trivia machines;
- (xix) Laser games;
- (xx) Simulator games;
- (xxi) Virtual reality machines;
- (xxii) Matchup or lineup games which require the player to use skill stops to complete the game;
- (xxiii) Maze games;
- (xxiv) Racing games;
- (xxv) Coin operated pool tables or coin operated billiard tables as defined in paragraph (3) of Code Section 43-8-1; and
- (~~xix~~)(xxvi) Any other similar amusement machine which can be legally operated in Georgia; and

(B) Every machine of any kind or character used by the public to provide music whose operation requires the payment of or the insertion of a coin, bill, other money, token, ticket, or similar object such as jukeboxes or other similar types of music machines.

The term 'bona fide coin operated amusement machine' does not include the following:

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- (i) Coin operated washing machines or dryers;
 - (ii) Vending machines which for payment of money dispense products or services;
 - (iii) Gas and electric meters;
 - (iv) Pay telephones;
 - (v) Pay toilets;
 - (vi) Cigarette vending machines;
 - (vii) Coin operated scales;
 - (viii) Coin operated gumball machines;
 - (ix) Coin operated parking meters;
 - (x) Coin operated television sets which provide cable or network programming;
 - (xi) Coin operated massage beds; and
 - (xii) Machines which are not legally permitted to be operated in Georgia.
- (3) 'Commissioner' means the state revenue commissioner.
- (4) 'Master license' means the certificate which every owner of a bona fide coin operated amusement machine must purchase and display in the owner's or operator's place of business where the machine is located for commercial use by the public for play in order to legally operate the machine in the state.
- (5) 'Operator' means any person, individual, firm, company, association, corporation, or other business entity who exhibits, displays, or permits to be exhibited or displayed, in a place of business other than his own, any bona fide coin operated amusement machine in this state.
- (6) 'Owner' means any person, individual, firm, company, association, corporation, or other business entity owning any bona fide coin operated amusement machine in this state.
- (7) 'Permit fee' means the annual per machine charge which every owner of a bona fide coin operated amusement machine in commercial use must purchase and display in either the owner's or operator's place of business in order to legally operate the machine in the state.
- (8) 'Sticker' means the decal issued for every bona fide coin operated amusement machine to show proof of payment of the permit fee."

SECTION 3.

Said chapter is further amended by striking subsection (a) of Code Section 48-17-5, relating to the right to a notice and hearing and service of the notice, and inserting in its place the following:

"(a) An applicant or licensee is entitled to at least 30 days' written notice and, if requested, a hearing in the following instances:

- (1) After an application for an original or renewal license has been refused;
- (2) Before the commissioner may revoke a license; or
- (3) Before the commissioner may invoke any other sanctions provided by this chapter.

For purposes of this Code section, sanctions shall not include (i) issuance of a citation, (ii) imposition of a late fee, penalty fee, or interest penalty under subsection (k) of Code Section 48-17-2, Code Section 48-17-11, or subsection (a) of Code Section 48-17-13, or (iii) sealing a machine or imposing charges related thereto under subsection (g) of Code Section 48-17-13.

SECTION 4.

Said chapter is further amended by striking subsection (a) of Code Section 48-17-6, relating to delivery of an order refusing an application or imposing a sanction, and inserting in its place the following:

“(a) The commissioner shall deliver to the applicant or licensee a written copy of the order refusing an application or renewal application, revoking a master license, or imposing any other sanction provided in this chapter issued after any required hearing.”

SECTION 5.

Said chapter is further amended by striking subsection (b) of Code Section 48-17-9, relating to payment and collection of the annual permit fee and permit stickers, and inserting in its place the following:

“(b) The sticker issued by the commissioner to evidence the payment of the fee under this Code section shall be securely attached to the machine ~~or prominently displayed at the location where the machine is located.~~ Owners may transfer stickers from one machine to another and from location to location so long as all machines in commercial use available for play by the public have a sticker and the owner uses the stickers only for machines that it owns.”

SECTION 6.

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

On the adoption of the substitute, the yeas were 38, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	N Glanton	Y Middleton
Y Balfour	Y Gochenour	Y Oliver
Y Blitch	Y Griffin	Perdue
Y Boshears	Y Guhl	Y Price,R
Y Bowen	Y Harbison	Y Price,T
Y Broun, 46th	Y Henson	Y Ragan
Y Brown, 26th	Hill	Y Ralston
Y Brush	Y Hooks	Y Ray
Y Burton	Y Huggins	Y Roberts
Y Cagle	Y James	Y Scott
Y Cheeks	Y Johnson,D	N Starr
Y Clay	Y Johnson,E	Y Stokes
Y Crotts	Y Kemp	Y Streat
N Dean	Y Lamutt	Y Tanksley
Y Egan	Y Land	Y Taylor
Y Fort	Y Langford	Y Thomas,D
Y Gillis	Y Madden	Thomas,N
	Y Marable	Y Thompson

A bill to amend Article 1 of Chapter 1 of Title 47 of the Official Code of Georgia Annotated, relating to general provisions relative to retirement and pensions, so as to provide that in the event a person designated as the primary beneficiary by a member of a public retirement or pension system does not survive the member by at least 32 days, any survivor's benefits shall be paid to the secondary beneficiary.

Senate Sponsor: Senator Burton of the 5th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1174. By Representatives Royal of the 164th, Buck of the 135th and Jamieson of the 22nd:

A bill to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding property tax exemptions, so as to authorize certain individuals who are absent from their residence due to health reasons to continue to receive homestead exemptions.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y	Brown, 26th	Y	Crotts
Y Balfour	Y	Brush	Y	Dean
Y Blitch	Y	Burton	Y	Egan
Y Boshears	Y	Cagle	Y	Fort
Y Bowen	Y	Cheeks	Y	Gillis
Y Broun, 46th		Clay		

Y Glanton	Y Lamutt	Y Roberts
Y Gochenour	Y Land	Y Scott
Y Griffin	Y Langford	Y Starr
Y Guhl	Y Madden	Y Stokes
Y Harbison	Y Marable	Y Streat
Y Henson	Y Middleton	Y Tanksley
Y Hill	Y Oliver	Y Taylor
Y Hooks	Y Perdue	Y Thomas,D
Y Huggins	Y Price,R	Thomas,N
Y James	Y Price,T	Y Thompson
Y Johnson,D	Y Ragan	Y Turner
Y Johnson,E	Y Ralston	Y Tysinger
Y Kemp	Y Ray	Y Walker

On the passage of the bill, the yeas were 54, nays 0.

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

SB 616. By Senators Cheeks of the 23rd, Bowen of the 13th and Streat of the 19th:

A bill to amend Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to motor vehicle drivers' licenses, so as to change certain provisions relating to keeping of records of applications for drivers' licenses and information on licensees and furnishing of such information; to change certain provisions.

Senators Land of the 16th and Clay of the 37th offered the following amendment:

Amend SB 616 by inserting on line 26 on p.1 after "behalf" the following: "and upon receiving written authorization from the member's constituent"

On the adoption of the amendment, Senator Balfour of the 9th called for the yeas and nays. The call was sustained and the vote was as follows:

Y Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
N Blicht	Y Harbison	Y Ragan
N Boshears	Y Henson	Y Ralston
N Bowen	Y Hill	Y Ray
Y Broun, 46th	N Hooks	Y Roberts
N Brown, 26th	Y Huggins	N Scott
N Brush	Y James	Starr
Y Burton	N Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	N Streat
N Cheeks	N Kemp	Y Tanksley
Y Clay	Y Lamutt	N Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	N Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the adoption of the amendment, the yeas were 39, nays 14, and the Land, Clay amendment was adopted.

Senator Egan of the 40th offered the following amendment:

Amend SB 616 by striking on p.1, on line 24: "and, upon either written or oral" and striking on p.1: lines 25 through 29

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	N Harbison	N Ragan
N Boshears	N Henson	N Ralston
N Bowen	N Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
N Brown, 26th	N Huggins	N Scott
N Brush	N James	N Starr
Y Burton	N Johnson,D	N Stokes
Y Cagle	Y Johnson,E	N Streat
N Cheeks	N Kemp	Y Tanksley
N Clay	N Lamutt	N Taylor
N Crotts	N Land	N Thomas,D
N Dean	Langford	N Thomas,N
Y Egan	N Madden	N Thompson
Y Fort	N Marable	N Turner
N Gillis	N Middleton	Y Tysinger
N Glanton	Y Oliver	Walker
Y Gochenour	N Perdue	

On the adoption of the amendment, the yeas were 14, nays 40, and the Egan amendment was lost.

Senator Cheeks of the 23rd offered the following amendment:

Amend SB 616 by add a new Section 3 on page 3 line 43 "The Dept of Public Safety must notify the licensee that the information was requested and by whom.

Change Section 3 on page 3 to Section 4.

Senator Cheeks of the 23rd asked unanimous consent that his amendment be withdrawn. The consent was granted and the Cheeks amendment was withdrawn.

Senator Cheeks of the 23rd offered the following amendment:

Amend SB 616 by removing Section 1

Renumber Section II Section I

" Section III Section II

" Section IV Section III

On the adoption of the amendment, the yeas were 45, nays 0, and the Cheeks amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Boshears	Y Brown, 26th
Y Balfour	Y Bowen	Y Brush
Y Blitch	Y Broun, 46th	Y Burton

Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
Y Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Y Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Y Fort	Y Land	Y Streat
Y Gillis	Y Langford	Y Tanksley
Y Glanton	Y Madden	Y Taylor
Y Gochenour	Y Marable	Y Thomas,D
Y Griffin	Y Middleton	Y Thomas,N
Y Guhl	Y Oliver	Y Thompson
Y Harbison	Y Perdue	Y Turner
Y Henson	Y Price,R	Y Tysinger
Y Hill	Y Price,T	Y Walker
Y Hooks	Y Ragan	

On the passage of the bill, the yeas were 52, nays 0.

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

Senator Thomas of the 10th moved that the following bill of the Senate, having been placed on the Table February 17, be taken from the Table:

SB 593. By Senator Thomas of the 10th:

A bill to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to change a definition; to change provisions relating to the enforcement powers of the State Election Board; to provide a penalty for failure of a local election superintendent to complete the required minimum biennial training; to change provisions relating to applications for registration.

On the motion, the yeas were 34, nays 4; the motion prevailed, and SB 593 was taken from the Table.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

SB 537. By Senators Henson of the 55th and Johnson of the 1st:

A bill to amend Code Section 3-3-7 of the Official Code of Georgia Annotated, relating to local authorization and regulation of sales of alcoholic beverages on Sunday, so as to allow for Sunday alcoholic beverage sales at motor sport road race track facilities with a permanent seating capacity in excess of 10,000 persons in certain counties; to provide for other related matters; to provide an effective date.

At 11:15 A.M., Senator Walker of the 22nd moved that, pursuant to HR 1165, the Senate adjourn until 10:00 A.M. Monday, March 2; the motion prevailed, and the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Monday, March 2, 1998
Thirtieth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of Friday, February 27, 1998 proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1754. By Representatives Wiles of the 34th, Bradford of the 30th, Grindley of the 35th and others:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relative to the compensation of senior district attorneys, assistant district attorneys, and the chief assistant district attorney.

HB 1756. By Representative Martin of the 145th:

A bill to amend an Act creating the Metter-Candler County Airport Authority, so as to change the terms of the members of the authority.

HB 1757. By Representative McCall of the 90th:

A bill to amend an Act providing for the election of members of the Board of Education of Lincoln County, so as to provide, if approved by the voters of Lincoln County, for nonpartisan primaries and elections for members of the Board of Education of Lincoln County beginning with the primaries and elections to be held in the year 2000.

HB 1758. By Representative Smith of the 103rd:

A bill to amend an Act providing a new board of commissioners of Heard County, so as to provide for cost-of-living and longevity increases.

HB 1759. By Representative Stephens of the 150th:

A bill to amend an Act creating a new charter for the City of Pooler, so as to provide for four-year terms of office for the mayor and aldermen.

HB 1760. By Representatives West of the 101st and Stallings of the 100th:

A bill to create the Carroll County Family Connection Authority.

HB 1761. By Representatives Bradford of the 30th, Wiles of the 34th, Sauder of the 29th and others:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge and the clerk of the probate court.

- HB 1762. By Representatives Cash of the 108th, Smith of the 109th and Sanders of the 107th:
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A bill to amend an Act providing a new charter for the City of Stockbridge, so as to change the corporate boundaries of said city.
- HB 1763. By Representatives Porter of the 143rd and Coleman of the 142nd:
A bill to create the Dublin-Laurens County Commission on Children, Youth, and Families.
- HB 1764. By Representatives Stallings of the 100th and West of the 101st:
A bill to amend an Act establishing the State Court of Carroll County, so as to provide for a full-time solicitor.
- HB 1767. By Representative Massey of the 86th:
A bill to provide a homestead exemption from certain Barrow County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead of certain residents of that county.
- HB 1768. By Representative Massey of the 86th:
A bill to create the City of Winder Public Facilities Authority.
- HB 1773. By Representatives Lewis of the 14th, Cummings of the 27th and Childers of the 13th:
A bill to amend an Act placing certain of the county officers of Bartow County upon an annual salary, so as to change the provisions relating to the compensation of the clerk of the superior court.
- HB 1642. By Representative Barnes of the 33rd:
A bill to amend Code Section 15-1-9.2 of the Official Code of Georgia Annotated, relating to requests for assistance of senior judges, so as to provide that any judge with a combination of ten years of service in a combination of certain courts shall be eligible for appointment as senior judge.
- HB 1731. By Representatives Ehrhart of the 36th, Wiles of the 34th, Sauder of the 29th and others:
A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relating to the supplement to be paid to each of the judges of the superior court of said circuit and an additional supplement for the chief judge of said circuit.
- HB 1603. By Representative Royal of the 164th:
A bill to amend Article 1 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding annexation, so as to change certain provisions with respect to the effective date of annexation.
- HB 1621. By Representative Jamieson of the 22nd:
A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the impositions, rate, and computation of income tax, so as to provide for a tax credit with respect to purchasing or retrofitting certain single-family homes with accessibility features.

HB 1522. By Representatives Martin of the 47th, Allen of the 117th and Crawford of the 129th:

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A bill to amend Article 3 of Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to intangible recording tax, so as to provide that, in all counties, the person responsible for the collection of the intangible recording tax and the performance of the other related duties shall be the clerk of the superior court.

HB 1094. By Representatives Baker of the 70th, Ashe of the 46th and Teper of the 61st:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to change the provisions relating to acquisitions, dispositions, and awarding of contracts.

HB 1220. By Representatives Trense of the 44th and Ashe of the 46th:

A bill to amend Code Section 20-2-212 of the Official Code of Georgia Annotated, relating to salary schedules for personnel certificated by Professional Standards Commission, so as to delete certain provisions relating to the comparability of such salaries.

HB 1327 By Representatives Smith of the 109th, Howard of the 118th, Bannister of the 77th and others:

A bill to amend Code Section 24-3-18 of the Official Code of Georgia Annotated, relating to the admissibility of medical reports, so as to provide that the provisions of said Code section shall not be applicable to workers' compensation claims; to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to provide for criminal penalties for willful retention of income benefits to which an employee is not entitled.

HB 1730. By Representatives Walker of the 141st, Buck of the 135th, Dix of the 76th and others:

A bill to amend Chapter 15 of Title 9 of the Official Code of Georgia Annotated, relating to court and litigation costs in civil actions, so as to provide for the recovery of attorney's fees and expenses in certain civil actions brought against judicial officers and arising out of the performance of such officers' duties.

HB 1585. By Representatives Ragas of the 64th, Martin of the 47th and Mobley of the 69th:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings and parental rights, Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, and Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to children and youth services, so as to change provisions relating to court orders removing a child from home and family preservation and reunification efforts.

HB 1441. By Representatives Hudgens of the 24th, McBee of the 88th and Heard of the 89th:

A bill to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts in general, so as to repeal provisions relating to misdemeanor jurisdiction of municipal courts of certain consolidated governments.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 1029. By Representative Channell of the 111th:

A resolution honoring Mr. Donald Ridley and designating the bridge over Beaver Dam Creek on State Route 24 in Putnam County as the "Donald Ridley Bridge".

The following bills were introduced, read the first time and referred to committees:

SB 694. By Senator Henson of the 55th:

A bill to amend Chapter 5B of Title 10 of the Official Code of Georgia Annotated, relating to deceptive, fraudulent, or abusive telemarketing, so as to define certain terms; to require certain disclosures in connection with telemarketing of goods and services; to provide for enforcement and for a private right of action; to provide for related matters; to provide for an effective date.

Referred to Committee on Consumer Affairs.

SB 695. By Senator Starr of the 44th:

A bill to amend an Act entitled "An Act to provide a new charter for the City of Lake City" so as to change the corporate boundaries of said city.

Referred to Committee on State and Local Governmental Operations.

SB 696. By Senator Henson of the 55th:

A bill to amend Chapter 9 of Title 33 of the Official Code of Georgia Annotated, relating to the regulation of insurance rates, underwriting rules, and related organizations, so as to enact the "Automobile Personal Safety Act of 1998"; to provide for legislative findings.

Referred to Committee on Insurance and Labor.

SB 697. By Senators Brown of the 26th, Oliver of the 42nd and Fort of the 39th:

A bill to amend Code Section 16-11-107 of the Official Code of Georgia Annotated, relating to destroying or injuring a police dog or police horse, so as to change certain definitions; to provide that a conviction under said Code section shall not merge with a conviction under Article 8 of Chapter 12 of Title 16; to amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against health and morals, so as to provide for legislative findings relating to animal cruelty.

Referred to Committee on Judiciary.

SB 698. By Senator Taylor of the 12th:

A bill to amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to the state merit system generally, so as to provide for periodic review and rating of certain employees; to provide for determina-

tion and administration of certain performance based increases; to provide for construction of such provisions; to provide an effective date.

Referred to Committee on State and Local Governmental Operations (General).

SB 699. By Senators Glanton of the 34th, Gochenour of the 27th, Johnson of the 1st and others:

A bill to amend Article 5 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to abortion in general, so as to provide for a short title; to provide for definitions; to require that a female give her informed consent prior to an abortion; to require that certain information be provided to or made available to a female prior to an abortion.

Referred to Committee on Judiciary.

SB 700. By Senator Thomas of the 10th:

A bill to amend Article 2 of Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to fair employment practices, so as to prohibit public employers from requiring public employees or applicants to agree to not receive certain overtime or compensatory time; to provide for definitions; to provide for conditions and limitations; to provide an effective date.

Referred to Committee on State and Local Governmental Operations (General).

SR 698. By Senators Cheeks of the 23rd, Johnson of the 1st, Broun of the 46th and others:

A resolution creating the Senate Small Consumer Loan Industry Study Committee.

Referred to Committee on Rules.

SR 703. By Senators James of the 35th, Boshears of the 6th, Hill of the 4th and others:

A resolution denouncing the deliberate practice and intent of advertising cigarettes and other tobacco products by tobacco companies to appeal to minors and urging that tobacco companies cease such practice.

Referred to Committee on Health and Human Services.

The following bills were read the first time and referred to committees:

HB 1094. By Representatives Baker of the 70th, Ashe of the 46th and Teper of the 61st:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to change the provisions relating to acquisitions, dispositions, and awarding of contracts.

Referred to Committee on Finance and Public Utilities.

HB 1220. By Representatives Trense of the 44th and Ashe of the 46th:

A bill to amend Code Section 20-2-212 of the Official Code of Georgia Annotated, relating to salary schedules for personnel certificated by Professional Standards Commission, so as to delete certain provisions relating to the comparability of such salaries.

Referred to Committee on Education.

HB 1327. By Representatives Smith of the 109th, Howard of the 118th, Bannister of the 77th and Martin of the 47th:

A bill to amend Code Section 24-3-18 of the Official Code of Georgia Annotated, relating to the admissibility of medical reports, so as to provide that the provisions of said Code section shall not be applicable to workers' compensation claims; to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to provide for criminal penalties for willful retention of income benefits to which an employee is not entitled.

Referred to Committee on Judiciary.

HB 1441. By Representatives Hudgens of the 24th, McBee of the 88th and Heard of the 89th:

A bill to amend Article 1 of Chapter 32 of Title 36 of the Official Code of Georgia Annotated, relating to municipal courts in general, so as to repeal provisions relating to misdemeanor jurisdiction of municipal courts of certain consolidated governments.

Referred to Committee on Special Judiciary.

HB 1522. By Representatives Martin of the 47th, Allen of the 117th and Crawford of the 129th:

A bill to amend Article 3 of Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to intangible recording tax, so as to provide that, in all counties, the person responsible for the collection of the intangible recording tax and the performance of the other related duties shall be the clerk of the superior court.

Referred to Committee on Finance and Public Utilities.

HB 1585. By Representatives Ragas of the 64th, Martin of the 47th and Mobley of the 69th:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings and parental rights, Chapter 8 of Title 19 of the Official Code of Georgia Annotated, relating to adoption, and Article 1 of Chapter 5 of Title 49 of the Official Code of Georgia Annotated, relating to children and youth services, so as to change provisions relating to court orders removing a child from home and family preservation and reunification efforts.

Referred to Committee on Judiciary.

HB 1603. By Representative Royal of the 164th:

A bill to amend Article 1 of Chapter 36 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions regarding annexation, so as to change certain provisions with respect to the effective date of annexation.

Referred to Committee on State and Local Governmental Operations (General).

HB 1621. By Representative Jamieson of the 22nd:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the impositions, rate, and computation of income

tax, so as to provide for a tax credit with respect to purchasing or retrofitting certain single-family homes with accessibility features.

Referred to Committee on Youth, Aging and Human Ecology.

HB 1642. By Representative Barnes of the 33rd:

A Bill to amend Code Section 15-1-9.2 of the Official Code of Georgia, Annotated, relating to requests for assistance of senior judges, so as to provide that any judge with a combination of ten years of service in a combination of certain courts shall be eligible for appointment as senior judge; and for other purposes.

Referred to Committee on Judiciary.

HB 1730. By Representatives Walker of the 141st, Buck of the 135th, Dix of the 76th and others:

A bill to amend Chapter 15 of Title 9 of the Official Code of Georgia Annotated, relating to court and litigation costs in civil actions, so as to provide for the recovery of attorney's fees and expenses in certain civil actions brought against judicial officers and arising out of the performance of such officers' duties.

Referred to Committee on Judiciary.

HB 1731. By Representatives Ehrhart of the 36th, Wiles of the 34th, Sauder of the 29th and others:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relating to the supplement to be paid to each of the judges of the superior court of said circuit and an additional supplement for the chief judge of said circuit.

Referred to Committee on Judiciary.

HB 1754. By Representatives Wiles of the 34th, Bradford of the 30th, Grindley of the 35th and others:

A bill to amend an Act creating the Cobb Judicial Circuit, so as to change the provisions relative to the compensation of senior district attorneys, assistant district attorneys, and the chief assistant district attorney.

Referred to Committee on State and Local Governmental Operations.

HB 1756. By Representative Martin of the 145th:

A bill to amend an Act creating the Metter-Candler County Airport Authority, so as to change the terms of the members of the authority.

Referred to Committee on State and Local Governmental Operations.

HB 1757. By Representative McCall of the 90th:

A bill to amend an Act providing for the election of members of the Board of Education of Lincoln County, so as to provide, if approved by the voters of Lincoln County, for nonpartisan primaries and elections for members of the Board of Education of Lincoln County beginning with the primaries and elections to be held in the year 2000.

Referred to Committee on State and Local Governmental Operations.

HB 1758. By Representative Smith of the 103rd:

~~A bill to amend an~~ Act providing a new board of commissioners of Heard County, so as to provide for cost-of-living and longevity increases.

Referred to Committee on State and Local Governmental Operations.

HB 1759. By Representative Stephens of the 150th:

A bill to amend an Act creating a new charter for the City of Pooler, so as to provide for four-year terms of office for the mayor and aldermen.

Referred to Committee on State and Local Governmental Operations.

HB 1760. By Representatives West of the 101st and Stallings of the 100th:

A bill to create the Carroll County Family Connection Authority.

Referred to Committee on State and Local Governmental Operations.

HB 1761. By Representatives Bradford of the 30th, Wiles of the 34th, Sauder of the 29th and others:

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge and the clerk of the probate court.

Referred to Committee on State and Local Governmental Operations.

HB 1762. By Representatives Cash of the 108th, Smith of the 109th and Sanders of the 107th:

A bill to amend an Act providing a new charter for the City of Stockbridge, so as to change the corporate boundaries of said city.

Referred to Committee on State and Local Governmental Operations.

HB 1763. By Representatives Porter of the 143rd and Coleman of the 142nd:

A bill to create the Dublin-Laurens County Commission on Children, Youth, and Families.

Referred to Committee on State and Local Governmental Operations.

HB 1764. By Representatives Stallings of the 100th and West of the 101st:

A bill to amend an Act establishing the State Court of Carroll County, so as to provide for a full-time solicitor.

Referred to Committee on State and Local Governmental Operations.

HB 1767. By Representative Massey of the 86th:

A bill to provide a homestead exemption from certain Barrow County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead of certain residents of that county.

Referred to Committee on State and Local Governmental Operations.

HB 1768. By Representative Massey of the 86th:

A bill to create the City of Winder Public Facilities Authority.

Referred to Committee on State and Local Governmental Operations.

HB 1773. By Representatives Lewis of the 14th, Cummings of the 27th and Childers of the 13th:

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A bill to amend an Act placing certain of the county officers of Bartow County upon an annual salary, so as to change the provisions relating to the compensation of the clerk of the superior court.

Referred to Committee on State and Local Governmental Operations.

HR 1029. By Representative Channell of the 111th:

A resolution honoring Mr. Donald Ridley and designating the bridge over Beaver Dam Creek on State Route 24 in Putnam County as the "Donald Ridley Bridge"

Referred to Committee on Transportation.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

- SB 683. Do pass.
- SB 685. Do pass.
- HB 1609. Do pass as amended.
- HB 1725. Do pass.
- HB 1732. Do pass.
- HB 1733. Do pass.
- HB 1735. Do pass.
- HB 1736. Do pass.
- HB 1742. Do pass.
- HB 1744. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Rules has had under consideration the following resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

- SR 674. Do pass.

Respectfully submitted,

Senator Scott of the 36th District, Chairman

The following bills and resolutions were read the second time:

- | | | | | | |
|---------|---------|---------|---------|---------|---------|
| SB 415 | SB 438 | SB 453 | SB 475 | SB 490 | SB 549 |
| SB 600 | SB 612 | SB 633 | SB 635 | SB 661 | SB 665 |
| SR 583 | SR 662 | HB 1140 | HB 1185 | HB 1412 | HB 1440 |
| HB 1444 | HB 1491 | HB 1529 | HB 1565 | | |

Senator Glanton of the 34th moved that Senator Gochenour of the 27th be excused. On the motion, the yeas were 32, nays 0; the motion prevailed, and Senator Gochenour was excused.

Senator James of the 35th moved that Senator Harbison of the 15th be excused. On the motion, the yeas were 28, nays 1; the motion prevailed, and Senator Harbison was excused.

Senator Stokes of the 43rd moved that Senator Brush of the 24th be excused. On the motion, the yeas were 34, nays 1; the motion prevailed, and Senator Brush was excused.

The President called for the morning roll call, and the following Senators answered to their names:

Balfour	Guhl	Price,T
Blitch	Henson	Ragan
Boshears	Hooks	Ralston
Bowen	Huggins	Ray
Broun, 46th	James	Roberts
Brown, 26th	Johnson,D	Starr
Burton	Johnson,E	Stokes
Cagle	Kemp	Streat
Cheeks	Lamutt	Taylor
Clay	Land	Thomas,D
Crotts	Langford	Thomas,N
Dean	Madden	Thompson
Egan	Marable	Turner
Fort	Middleton	Tysinger
Gillis	Oliver	Walker
Glanton	Perdue	
Griffin	Price,R	

Those not answering were:

Abernathy	Harbison (excused)	Tanksley
Brush (excused)	Hill	
Gochenour (excused)	Scott	

The President welcomed back Matthew Hill, Sergeant at Arms, who had been ill.

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator James of the 35th introduced the chaplain of the day, Jackey Beavers, Aide to Speaker Murphy, and pastor of Glory Harvester's Church, Cartersville, Georgia, who offered scripture reading and prayer.

The President and Senator Boshears of the 6th introduced the doctor of the day, Dr. McKee Hargrett of Jesup, Georgia.

Senator James of the 35th introduced officials representing Safe Drivers' Awareness Day, commended by SR 669, adopted previously.

The following resolutions were read and adopted:

SR 700. By Senators Marable of the 52nd, Dean of the 31st, Starr of the 44th and others:

A resolution recognizing February 1-7, 1998, as "1998 Home Education Week" in Georgia.

SR 701. By Senator Henson of the 55th:

A resolution commending Mr. and Mrs. Oliver Hardegree.

- SR 702. By Senators Hill of the 4th, Henson of the 55th, Perdue of the 18th and Tank-
sley of the 32nd:
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A resolution commending Kathy M. Kuzava.
- SR 704. By Senators Brush of the 24th, Perdue of the 18th, Clay of the 37th and
others:
A resolution honoring Georgia public school principals, teachers, and other em-
ployees who have lost their lives in the line of duty.
- SR 705. By Senator Thompson of the 33rd:
A resolution commending Christene Perry, Miss Cobb County 1998.

The following local, uncontested bills of the Senate and House favorably reported by
the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Monday, March 2, 1998
THIRTIETH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the
legislation.)

SB 676 Cheeks, 23rd
CITY OF STAPLETON

A bill to amend an Act incorporating the City of Stapleton (formerly
the Town of Spread), as amended, so as to change the corporate limits
of the city.

SB 683 Glanton, 34th
Starr, 44th
CLAYTON COUNTY

A bill to amend an Act providing for the appointment of the chief mag-
istrate of the Magistrate Court of Clayton County, as amended, so as
to provide for qualifications for the chief magistrate and magistrates
and the terms thereof.

SB 685 Blicht, 7th
CLINCH COUNTY

A bill to provide for the compensation of the board of education of
Clinch County; to provide an effective date.

HB 1609 Taylor, 12th
Hooks, 14th
CITY OF ALBANY

A bill to amend an Act creating a new charter for the City of Albany,
so as to provide for staggered terms of office of four years for the
mayor and city commissioners. (AMENDMENT)

HB 1725 Lamutt, 21st
 Tanksley, 32nd
 Thompson, 33rd
 Clay, 37th
 Abernathy, 38th
 COBB COUNTY

A bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the solicitor-general.

HB 1732 Blitch, 7th
 CITY OF FOLKSTON

A bill to amend an Act providing a new charter for the City of Folkston in Charlton County, so as to change the corporate limits of the city.

HB 1733 Blitch, 7th
 CITY OF HOMELAND

A bill to amend an Act creating a new charter for the City of Homeland in Charlton County, so as to change the corporate limits of the city.

HB 1735 Gillis, 20th
 CITY OF DUBLIN

A bill to amend an Act reconstituting the Board of Education of the City of Dublin, so as to change the provisions relating to per diem compensation of members of the board.

HB 1736 Marable, 52nd
 FLOYD COUNTY

A bill to amend an Act providing for a homestead exemption from Floyd County School District ad valorem taxes for educational purposes for certain residents of that school district, so as to revise and change certain homestead exemptions for persons who are 62 to 74 years of age and for persons who are 75 years of age or over.

HB 1742 Gillis, 20th
 CITY OF STILLMORE

A bill to provide a new charter for the City of Stillmore.

HB 1744 Lamutt, 21st
 Tanksley, 32nd
 Thompson, 33rd
 Clay, 37th
 Abernathy, 38th
 COBB COUNTY

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the chief deputy sheriff, the chief investigator, and the executive assistant to the sheriff.

The amendment to the following bill was put upon its adoption:

HB 1609:

The Senate State and Local Governmental Operations Committee offered the following amendment:

Amend HB 1609 by striking in its entirety line 32 of page 2 and inserting in lieu thereof the following:

“the date and in conjunction with the general primary election in”

On the adoption of the amendment, the yeas were 51, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour		Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp		Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
EX Gochenour	Y	Perdue		

On the passage of the local bills, the yeas were 51, nays 0.

The bills on the Local Consent Calendar, except HB 1609, having received the requisite constitutional majority, were passed.

HB 1609, having received the requisite constitutional majority, was passed as amended.

SENATE RULES CALENDAR

www.libtool.com.cn Monday, March 2, 1998
THIRTIETH LEGISLATIVE DAY

- SB 630 Elections Code-merge, delete, amend certain provisions (SLGO-G-8th)
- HB 1268 Elections; optical scanning voting equipment; regulate (Substitute)(SLGO-G-10th) Holmes-53rd
- HB 1516 Georgia National Guard; service cancelable educational loans (Substitute)(D&VA-4th) Birdsong-123rd
- (Pursuant to Senate Rule 143, final passage of the bill was suspended on February 27, 1998.)
- HB 1178 Ad valorem tax; certain penalties and interest; distribution (Substitute)(F&PU-18th) Royal-164th
- HB 1549 Public meetings; Attorney General bring action to enforce laws (Judy-42nd) Porter-143rd
- HB 1631 Hotels, motels; excise taxes; include certain prior obligations (F&PU-46th) Murphy-18th
- SB 467 Crime Against Child-no two year limit on supervised probation (Corr-37th)
- HB 1299 Driver training courses; secondary schools; applicability of certain law (Amendment)(Trans-47th) Powell-23rd
- SB 643 Jekyll Island--State Park Authority-certain leasehold interests not tax exempt (F&PU-6th)
- HB 1394 Watercraft; age limitation on operation (Substitute)(Nat R-49th) Channel-111th
- HB 1323 Georgia Indigent Defense Council; use of private funds; amend provisions (Judy-16th) Martin-47th
- HB 1206 Municipal courts; certain shoplifting cases; disposal (S Judy-40th) Campbell-42nd
- SB 367 Stone Mountain Memorial Association-purposes, association improvement fund (Amendment)(EDT&CA-5th)
- SB 655 Probate Court Judges-distribution of certain funds to certain minors (S Judy-12th)
- SB 657 Insurer-change provisions on liability for certain damages, attorney's fees (Substitute)(S Judy-7th)
- SB 593 Elections-powers of State Election Board (SLGO-G-10th)
- SB 641 Highways, Bridges, Ferries-powers of Department of Transportation and municipalities (Trans-33rd)

- SR 653 ~ Duane Allman Boulevard and Raymond Berry Oakley III Bridge-designate (Trans-26th)
 HB 1596 Revenue Code; conform to federal code; tax credits (Substitute) (F&PU-18th) Buck-135th
 HB 1393 Watercraft; boating under the influence; child endangerment (Substitute)(Nat R-49th) Channell-111th
 HB 1467 Special county 1% tax; use for certain voting equipment (F&PU-31st) Royal-164th

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

The following general bills were read the third time and put upon their passage:

SB 630. By Senators Turner of the 8th, Land of the 16th, Perdue of the 18th and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to merge the provisions of Chapter 3 thereof, relating to municipal elections and primaries, into the provisions of Chapter 2 thereof, relating to elections and primaries generally; to delete certain provisions rendered superfluous by the foregoing; to amend the Official Code of Georgia Annotated to correct certain cross-references; to provide for related matters; to provide an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Balfour	Y	Guhl	Y	Price,T
Y Blicht		Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks		Kemp		Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
EX Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 50, nays 0.

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

HB 1268. By Representatives Holmes of the 53rd, Hecht of the 97th, Hudson of the 120th and others:

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A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for certain new definitions in the general and municipal elections codes; to enact a new Part 5 of Article 11 of Chapter 2 of said title regulating the use of optical scanning voting equipment.

Senate Sponsor: Senator Thomas of the 10th.

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 1268:

A BILL

To be entitled an Act to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for certain new definitions in the general and municipal elections codes; to enact new Parts 4 and 5 of Article 9 of Chapter 2 of said title regulating the authorization of optical scanning voting equipment and direct electronic recording voting systems; to enact a new Part 5 of Article 11 of Chapter 2 of said title regulating the use of optical scanning voting equipment; to enact a new Part 4 of Article 11 of Chapter 3 of said title regulating the use of optical scanning voting equipment; to enact new Parts 4 and 5 of Article 9 of Chapter 3 of said title regulating the authorization of optical scanning voting equipment and direct electronic recording voting systems; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by striking in its entirety paragraph (15) of Code Section 21-2-2, relating to definitions applicable to primaries and elections generally, and inserting in lieu thereof a new paragraph (15) to read as follows:

“(15) ‘Official ballot’ means a paper ballot which is furnished by the superintendent in accordance with Code Section 21-2-280, including ballots read by optical scanning tabulators.”

SECTION 2.

Said title is further amended by striking in its entirety Code Section 21-2-365, relating to use of optical scanning equipment, which reads as follows:

“21-2-365.

Optical scan voting systems shall conform as nearly as practicable to the provisions of this chapter regarding vote recorders and tabulating machines.”

SECTION 3.

Said title is further amended by inserting after Part 3 of Article 9 of Chapter 2 thereof new Parts 4 and 5 to read as follows:

“Part 4

21-2-365.

No optical scanning voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

- (1) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;
- (2) It shall permit each elector, in one operation per ballot card, to vote for all the candidates of one party or body for presidential electors;
- (3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;
- (4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, whether or not the name of such person or persons appears upon a ballot label as a candidate for election; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;
- (5) When used in conjunction with a tabulating machine, it shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;
- (6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he or she has assisted or is assisting in voting, as prescribed by law;
- (7) It shall be constructed of material of good quality in a neat and workmanlike manner;
- (8) It shall, when properly operated, record correctly and accurately every vote cast;
- (9) It shall be so constructed that an elector may readily learn the method of operating it; and
- (10) It shall be safely transportable.

21-2-366.

The governing authority of any county may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the use of optical scanning voting systems for recording and computing the vote at elections held in the county; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure optical scanning voting systems conforming to the requirements of this part.

21-2-367.

(a) When the use of optical scanning voting systems has been authorized in the manner prescribed in this part, such optical scanning voting systems shall be installed, either simultaneously or gradually, within the county. Upon the installation of optical scanning voting systems in any precinct, the use of paper ballots or other voting machines or apparatus therein shall be discontinued, except as otherwise provided by this chapter.

(b) In each precinct in which optical scanning voting systems are used, the governing authority shall provide at least one such system for each 200 electors therein, or fraction thereof.

(c) Optical scanning voting systems of different kinds may be used for different precincts in the same county.

(d) The governing authority shall provide optical scanning voting systems in good working order and of sufficient capacity to accommodate the names of a reasonable number of candidates for all party offices and nominations and public offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future primary or election.

21-2-368.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any optical scanning voting system may request the Secretary of State to examine the optical scanning voting system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any optical scanning voting system previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any optical scanning voting system.

(b) The Secretary of State shall thereupon examine or reexamine such optical scanning voting system and shall make and file in his or her office a report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion, the kind of optical scanning voting system so examined can be safely used by electors at primaries and elections as provided in this chapter. If this report states that the optical scanning voting system can be so used, the optical scanning voting system shall be deemed approved; and optical scanning voting systems of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of optical scanning voting system not so approved shall be used at any primary or election and if, upon the reexamination of any optical scanning voting system previously approved, it shall appear that the optical scanning voting system so reexamined can no longer be safely used by electors at primaries or elections as provided in this chapter, the approval of the same shall immediately be revoked by the Secretary of State; and no such optical scanning voting system shall thereafter be purchased for use or be used in this state. Every county or municipality which has previously purchased an optical scanning voting system shall submit such system to the Secretary of State for examination not later than January 1, 1999.

(d) When an optical scanning voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the optical scanning voting system, or of its kind.

(e) Neither the Secretary of State, nor any custodian, nor the governing authority of any county or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any optical scanning voting system or in the manufacture or sale thereof.

21-2-369.

(a) The ballot labels shall be printed in black ink upon clear, white, or colored material, of such size and arrangement as will suit the construction of the optical scanner, and in plain, clear type so as to be easily readable by persons with normal vision; provided, however, that red material shall not be used.

(b) The arrangement of offices, names of candidates, and questions upon the ballots shall conform as nearly as practicable to this chapter for the arrangement of same on paper ballots; provided, however, that such form may be varied in order to present a clear presentation of candidates and questions to the electors.

(c) The form and arrangement of ballots shall be prescribed by the Secretary of State and prepared by the superintendent.

21-2-370.

In primaries, separate optical scanners shall be used for each political party.

21-2-371.

(a) If ballot labels for a precinct at which an optical scanning voting system is to be used shall not be delivered to the poll officers as required by this chapter, the chief manager of such precinct shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable; and the poll officers shall cause the labels, so substituted, to be used at the primary or election, in the same manner, as nearly as may be, as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any optical scanning voting system being used in any primary or election shall become out of order during such primary or election, it shall, if possible, be repaired or another optical scanning voting system substituted by the custodian or superintendent as promptly as possible, for which purpose the governing authority of the county may purchase as many extra optical scanning voting systems as it may deem necessary; but, in case such repair or substitution cannot be made, paper ballots, printed or written, and of any suitable form, may be used for the taking of votes.

21-2-372.

Ballot cards shall be of suitable design, size, and stock to permit processing by a tabulating machine and shall be printed in black ink on clear, white, or colored material. A serially numbered strip shall be attached to each ballot card in a manner and form similar to that prescribed in this chapter for paper ballots.

21-2-373.

In elections, electors shall be permitted to cast write-in votes. The design of the ballot card shall permit the managers, in counting the write-in votes, to determine readily whether an elector has cast any write-in vote not authorized by law. The Secretary of State, in specifying the form of the ballot, and the State Election Board, in promulgating rules and regulations respecting the conduct of elections, shall provide for ballot secrecy in connection with write-in votes.

21-2-374.

(a) The superintendent of each county shall cause the proper ballot labels to be placed on each set of optical scanning voting equipment which is to be used in any precinct within such county and shall cause each set of optical scanning voting equipment to be placed in proper order for voting.

(b) The superintendent shall appoint one custodian of optical scanning voting systems and such deputy custodians as may be necessary, whose duty it shall be to prepare the optical scanning voting systems to be used in the county at the primaries and elections to be held therein. Each custodian and deputy custodian shall receive from the county such compensation as shall be fixed by the governing authority of the county. Such custodian shall, under the direction of the superintendent, have charge of and

represent the superintendent during the preparation of the optical scanning voting systems as required by this chapter, and he or she and the deputy custodians, whose duty it shall be to assist him or her in the discharge of his or her duties, shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office framed by the Secretary of State, which shall be filed with the superintendent.

(c) On or before the third day preceding a primary or election, the superintendent shall have the optical scanners tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballot cards so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the optical scanner to reject such votes. The optical scanner shall not be approved unless it produces an errorless count. If any error is detected, the cause therefor shall be ascertained and corrected; and an errorless count shall be made before the scanner is approved. The same test shall be repeated immediately before the start of the official count of the ballot cards and at the conclusion of such count. The superintendent or custodian shall also prepare the optical scanning voting equipment for voting at the various polling places to be used in the primary or election. In preparing the optical scanning voting equipment, he or she shall arrange the optical scanning voting equipment and the ballot labels so that they meet all requirements of voting and counting at such primary or election, thoroughly inspect and test the optical scanning voting equipment, and file a certificate in the office of the superintendent that the equipment is in proper order with correct ballot labels.

(d) No superintendent, nor custodian, nor other employee of the superintendent shall in any way prevent free access to and examination of all optical scanning voting equipment which is to be used at the primary or election, by any interested persons.

(e) In every primary or election, the superintendent shall furnish, at the expense of the county, all ballot labels, forms of certificates, and other papers and supplies required under this chapter and which are not furnished by the Secretary of State, all of which shall be in the form and according to the specifications prescribed, from time to time, by the Secretary of State.

21-2-375.

(a) The superintendent shall deliver the proper optical scanning voting equipment, properly furnished, to the polling places at least one hour before the time set for opening the polls at each primary or election and shall cause each to be set up in the proper manner for use in voting. The superintendent shall place each set of optical scanning voting equipment in a voting booth so that the ballot labels on the equipment can be plainly seen by the poll officers when not being voted on.

(b) The superintendent shall provide ample protection against molestation of and injury to the optical scanning voting equipment and, for that purpose, shall call upon any law enforcement officer to furnish such assistance as may be necessary; and it shall be the duty of the law enforcement officer to furnish such assistance when so requested by the superintendent.

(c) The superintendent shall furnish for each set of optical scanning voting equipment at least one hour before the opening of the polls:

(1) A lamp which shall give sufficient light to enable electors, while in the voting booth, to read the ballot labels, and which shall be suitable for the use of poll officers in examining the equipment; and the lamp shall be prepared and in good order for use before the opening of the polls;

(2) Two sample ballots printed on a single sheet of white paper or a number of sheets stapled together which shall be a reasonable facsimile of the ballot labels as will be in use in the primary or election and accompanied by directions for voting on the optical scanning voting equipment; and such sample ballots shall be posted prominently outside the enclosed space within the polling place; and

(3) A seal for sealing the optical scanning voting system after the polls are closed and such other materials and supplies as may be necessary or as may be required by law.

21-2-376.

During the 30 days next preceding a general primary or election or during the ten days next preceding a special primary or election, the superintendent shall place on public exhibition, in such public places and at such times as he or she may deem most suitable for the information and instruction of the electors, one or more sets of optical scanning voting equipment. Insofar as practicable, the equipment shall contain the ballot labels and show the offices and questions to be voted upon, the names and arrangements of parties and bodies, and the names and arrangements of the candidates to be voted for. Such equipment shall be under the charge and care of a person competent as custodian and instructor.

21-2-377.

(a) The superintendent shall designate a person or persons who shall have the custody of the optical scanning voting systems of the county when they are not in use at a primary or election and shall provide for his or her compensation and for the safe storage and care of the optical scanning voting systems.

(b) All optical scanning voting systems, when not in use, shall be properly covered and stored in a suitable place or places.

21-2-378.

The governing authority of any county which adopts optical scanning voting systems in the manner provided for by this part shall, upon the purchase of optical scanning voting systems, provide for their payment by the county. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties to meet all or any part of the cost of the optical scanning voting systems.

21-2-379.

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of optical scanning voting systems is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of optical scanning voting systems for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of optical scanning voting systems wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots. In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots

shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used.

Part 5

21-2-379.1.

No direct electronic recording voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

- (1) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;
- (2) It shall permit each elector, in one operation, to vote for all the candidates of one party or body for presidential electors;
- (3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;
- (4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, whether or not the name of such person or persons appears as a candidate for election; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;
- (5) It shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;
- (6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he or she has assisted or is assisting in voting, as prescribed by law;
- (7) It shall be constructed of material of good quality in a neat and workmanlike manner;
- (8) It shall, when properly operated, record correctly and accurately every vote cast;
- (9) It shall be so constructed that an elector may readily learn the method of operating it; and
- (10) It shall be safely transportable.

21-2-379.2.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any direct electronic recording voting system may request the Secretary of State to examine the system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any such system previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any such system.

(b) The Secretary of State shall thereupon examine or reexamine such direct electronic recording voting system and shall make and file in his or her office a report, at-

tested by his or her signature and the seal of his or her office, stating whether, in his or her opinion, the kind of system so examined can be safely used by electors at primaries and elections as provided in this chapter. If this report states that the system can be so used, the system shall be deemed approved; and systems of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of direct electronic recording voting system not so approved shall be used at any primary or election and if, upon the reexamination of any such system previously approved, it shall appear that the system so reexamined can no longer be safely used by electors at primaries or elections as provided in this chapter, the approval of the same shall immediately be revoked by the Secretary of State; and no such system shall thereafter be purchased for use or be used in this state.

(d) When a direct electronic recording voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of such system, or of its kind.

(e) Neither the Secretary of State, nor any custodian, nor the governing authority of any county or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any direct electronic recording voting system or in the manufacture or sale thereof.

21-2-379.3.

The governing authority of any county which adopts direct electronic recording voting systems in the manner provided for by this part shall, upon the purchase of direct electronic recording voting systems, provide for their payment by the county. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties to meet all or any part of the cost of the direct electronic recording voting systems.

21-2-379.4.

The governing authority of any county may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the purchase of direct electronic recording voting systems for recording and computing the vote at elections held in the county; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure direct electronic recording voting systems conforming to the requirements of this part."

SECTION 4.

Said title is further amended by inserting after Part 4 of Article 11 of Chapter 2 thereof a new Part 5 to read as follows:

"Part 5

21-2-480.

(a) At the top of each ballot for an election in a precinct using optical scanning voting equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed by the designation of the precinct for which it is prepared and the name and date of the election.

(b) Immediately under this caption on a ballot presenting the names of candidates for election to office, the following directions shall be printed, insofar as the same may be appropriate for the election involved:

(1) Optical scanners using ovals or squares. To vote blacken the oval or square () next to the candidate of your choice. To vote for a person whose name

is not on the ballot, manually write his or her name in the write-in section and blacken the oval or square next to the write-in section. If you spoil your ballot, do not erase, but ask for a new ballot. Use only the pen or pencil provided.

(2) Optical scanners using arrows. To vote, complete the arrow (_____) to the right of the name of the candidate for whom you wish to vote. To vote for a person whose name is not on the ballot, manually write his or her name in the write-in space provided and complete the arrow. If you spoil your ballot, do not erase, but ask for a new ballot. Use only the pen or pencil provided.

(3) Marks made in violation of these directions shall be disregarded in the counting of the votes cast. The names of the persons inserted on the ballot by the elector shall be manually written only within the write-in section and the insertion of such names outside such section or by the use of a sticker, paster, stamp, or other printed or written matter is prohibited.

(c) The ballot for each candidate or group of candidates nominated by a party or body shall contain the name or designation of the party of body.

(d) The titles of offices may be arranged horizontally with the names of candidates for an office arranged transversely under the title of the office. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot.

(e) The form and arrangement of ballots shall be prepared by the superintendent.

(f) Unless a candidate has filed with his or her nominating petition a certificate from a political party or body attesting that such candidate is the nominee of such party by virtue of having been nominated in a duly constituted party convention, the candidate's name shall appear on the ballot as an independent.

(g) When presidential electors are to be elected, the names or the nominees of each political party or body for such offices shall be arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States.

(h) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State. Unless otherwise provided by law, any other statewide questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State; and any local questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the superintendent. Next to the question there shall be placed the words 'YES' and 'NO' together with appropriate ovals or squares or broken arrows to be marked.

(i) The ballots shall vary in form only as the names of precincts, offices, candidates, or this chapter may require.

21-2-481.

Ballots in a precinct using optical scanning voting equipment shall be of suitable design, size, and stock to permit processing by a tabulating machine and shall be printed

in black ink on white or colored material. A serially numbered strip shall be attached to each ballot.

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21-2-482.

Ballots in a precinct using optical scanning voting equipment for use by absentee electors shall be prepared sufficiently in advance by the superintendent and shall be delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots required by Article 8 of this chapter, except that in counties using voting machines, vote recorders, or optical scanners the ballots may be in substantially the form for the ballot labels required by Article 9 of this chapter or in such form as will allow the ballot to be machine tabulated. Every such ballot shall have printed on the face thereof the following: 'I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.' The form for either ballot shall be determined and prescribed by the Secretary of State.

21-2-483.

(a) In primaries and elections in which optical scanners are used, the ballots shall be counted at the precinct or tabulating center under the direction of the superintendent. All persons who perform any duties at the tabulating center shall be deputized by the superintendent, and only persons so deputized shall touch any ballot, container, paper, or machine utilized in the conduct of the count or be permitted to be inside the area designated for officers deputized to conduct the count.

(b) All proceedings at the tabulating center and precincts shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container.

(c) At the tabulating center, the seal on each container of ballots shall be inspected, and it shall be certified that the seal has not been broken before the container is opened. The ballots and other contents of the container shall then be removed, and the ballots shall be prepared for processing by the tabulating machines. The ballots of each polling place shall be plainly identified and cannot be commingled with the ballots of other polling places.

(d) Upon completion of tabulation of the votes, the superintendent shall cause to be completed and signed a ballot recap form, in sufficient counterparts, showing:

- (1) The number of valid ballots, including any that are damaged;
- (2) The number of spoiled and invalid ballots; and
- (3) The number of unused ballots.

The superintendent shall cause to be placed one copy of the recap form and the defective, spoiled, and invalid ballots, each enclosed in an envelope, in the ballot supply container.

(e) For any election for which there is a qualified write-in candidate, the feature on precinct count and central count tabulators allowing separation of write-in votes shall be utilized. If any vote cast on the write-in ballot in combination with the vote cast for the same office on the ballot exceeds the allowed number for the office, the vote cast for that office only shall not be counted. In the discretion of the superintendent, either a duplicate ballot shall be made on which any invalid vote shall be omitted or

the write-in ballot and the ballot shall be counted in such manner as may be prescribed by State Election Board rules, omitting the invalid vote.

(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be processed by the tabulating machine, the superintendent, in his or her discretion, may order the proper election official at the tabulating center or precinct to prepare a true duplicate copy for processing with the ballots of the same polling place, which shall be verified in the presence of a witness. All duplicate ballots shall be clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and shall be given the same serial number as the defective ballot. The defective ballot shall be retained.

(g) The precinct tabulator shall be programmed to return to the voter at the time that the voter inserts the ballot any ballot that cannot be processed by the tabulator for re-evaluation or correction or spoiling of the ballot, and a new ballot shall be issued if needed.

(h) The official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared shall be certified and promptly posted. The ballots, spoiled, defective, and invalid ballots, and returns shall be filed and retained as provided by law.

21-2-484.

Upon completion of voting, the manager shall prepare and sign a ballot recap form, in sufficient counterparts, showing:

- (1) The number of valid ballots, including any that are damaged;
- (2) The number of spoiled and invalid ballots; and
- (3) The number of unused ballots.

The manager shall then place one copy of the recap form and the defective, spoiled, and invalid ballots, each enclosed in an envelope, in the ballot container, along with the voted ballots, which shall be sealed by the manager so that it cannot be opened without breaking the seal. The managers shall then deliver in the custody of at least two poll officers the container to the tabulating machine center or other place designated by the superintendent and shall receive a receipt therefor. The copies of the recap forms, unused ballots, records, and other materials shall be returned to the designated location.

21-2-485.

As soon as the polls are closed and the last elector has voted in precincts in which optical scanners are used, the poll officers shall:

- (1) For central count optical scan ballots:
 - (A) Seal the ballot box and deliver the ballot box to the tabulating center, as designated by the superintendent; and
 - (B)(i) Examine the ballots and separate those ballots containing write-in votes.
 - (ii) Record in ink the designation of the polling place and a serial number on all write-in ballots, starting with the number one, and place the same number on the ballot voted by the same elector, so that write-in ballots may be identified with the corresponding ballots.
 - (iii) After the write-in ballots have been so marked, place the write-in ballots in an envelope marked 'Write-in Ballots' and designate the polling place and the number of write-in ballots contained therein on such envelope, which shall be

sealed and signed by the managers and placed in the ballot container with the other ballots.

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(iv) Place any ballot that is so torn, bent, or mutilated that it may not be counted by the tabulating machine in an envelope marked 'Defective Ballots' and place the envelope in the container with other ballots; and

(2) For precinct count optical scan ballots:

(A) Feed ballots from the auxiliary compartment of the ballot box, if any, through the tabulator; and

(B) After all ballots have been fed through the tabulator the poll officer shall cause the tabulator to print out a tape with the total votes cast in each election.

21-2-486.

The superintendent, in computing the votes cast at any election, shall compute and certify only those write-in votes properly cast for candidates who have given proper notice of intent to be write-in candidates pursuant to Code Section 21-2-133 exactly as such names were written by the elector."

SECTION 5.

Said title is further amended by inserting after Part 3 of Article 9 of Chapter 3 thereof new Parts 4 and 5 to read as follows:

"Part 4

21-3-265.

No optical scanning voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

(1) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;

(2) It shall permit each elector, in one operation per ballot card, to vote for all the candidates of one party or body for presidential electors;

(3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;

(4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, whether or not the name of such person or persons appears upon a ballot label as a candidate for election; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;

(5) When used in conjunction with a tabulating machine, it shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the counting of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;

(6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he or she has assisted or is assisting in voting, as prescribed by law;

(7) It shall be constructed of material of good quality in a neat and workmanlike manner;

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(8) It shall, when properly operated, record correctly and accurately every vote cast;

(9) It shall be so constructed that an elector may readily learn the method of operating it; and

(10) It shall be safely transportable.

21-3-266.

The governing authority of any municipality may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the use of optical scanning voting systems for recording and computing the vote at elections held in the municipality; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure optical scanning voting systems conforming to the requirements of this part.

21-3-267.

(a) When the use of optical scanning voting systems has been authorized in the manner prescribed in this part, such optical scanning voting systems shall be installed, either simultaneously or gradually, within the municipality. Upon the installation of optical scanning voting systems in any precinct, the use of paper ballots or other voting machines or apparatus therein shall be discontinued, except as otherwise provided by this chapter.

(b) In each precinct in which optical scanning voting systems are used, the governing authority shall provide at least one such system for each 200 electors therein, or fraction thereof.

(c) Optical scanning voting systems of different kinds may be used for different precincts in the same municipality.

(d) The governing authority shall provide optical scanning voting systems in good working order and of sufficient capacity to accommodate the names of a reasonable number of candidates for all party offices and nominations and public offices which, under the provisions of existing laws and party rules, are likely to be voted for at any future primary or election.

21-3-268.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any optical scanning voting system may request the Secretary of State to examine the optical scanning voting system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any optical scanning voting system previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any optical scanning voting system.

(b) The Secretary of State shall thereupon examine or reexamine such optical scanning voting system and shall make and file in his or her office a report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion, the kind of optical scanning voting system so examined can be safely used by electors at primaries and elections as provided in this chapter. If this report states that the optical scanning voting system can be so used, the optical scanning voting

system shall be deemed approved; and optical scanning voting systems of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of optical scanning voting system not so approved shall be used at any primary or election and if, upon the reexamination of any optical scanning voting system previously approved, it shall appear that the optical scanning voting system so reexamined can no longer be safely used by electors at primaries or elections as provided in this chapter, the approval of the same shall immediately be revoked by the Secretary of State; and no such optical scanning voting system shall thereafter be purchased for use or be used in this state. Every municipality which has previously purchased an optical scanning voting system shall submit such system to the Secretary of State for examination not later than January 1, 1999.

(d) When an optical scanning voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of the optical scanning voting system, or of its kind.

(e) Neither the Secretary of State, nor any custodian, nor the governing authority of any municipality or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any optical scanning voting system or in the manufacture or sale thereof.

21-3-269.

(a) The ballot labels shall be printed in black ink upon clear, white, or colored material, of such size and arrangement as will suit the construction of the optical scanner, and in plain, clear type so as to be easily readable by persons with normal vision; provided, however, that red material shall not be used.

(b) The arrangement of offices, names of candidates, and questions upon the ballots shall conform as nearly as practicable to this chapter for the arrangement of same on paper ballots; provided, however, that such form may be varied in order to present a clear presentation of candidates and questions to the electors.

(c) The form and arrangement of ballots shall be prescribed by the Secretary of State and prepared by the superintendent.

21-3-270.

In primaries, separate optical scanners shall be used for each political party.

21-3-271.

(a) If ballot labels for a precinct at which an optical scanning voting system is to be used shall not be delivered to the poll officers as required by this chapter, the chief manager of such precinct shall cause other labels to be prepared, printed, or written, as nearly in the form of official ballot labels as practicable; and the poll officers shall cause the labels, so substituted, to be used at the primary or election, in the same manner, as nearly as may be, as the official labels. Such labels, so substituted, shall be known as unofficial ballot labels.

(b) If any optical scanning voting system being used in any primary or election shall become out of order during such primary or election, it shall, if possible, be repaired or another optical scanning voting system substituted by the custodian or superintendent as promptly as possible, for which purpose the governing authority of the municipality may purchase as many extra optical scanning voting systems as it may deem necessary; but, in case such repair or substitution cannot be made, paper ballots, printed or written, and of any suitable form, may be used for the taking of votes.

21-3-272.

Ballot cards shall be of suitable design, size, and stock to permit processing by a tabulating machine and shall be printed in black ink on clear, white, or colored material. A serially numbered strip shall be attached to each ballot card in a manner and form similar to that prescribed in this chapter for paper ballots.

21-3-273.

In elections, electors shall be permitted to cast write-in votes. The design of the ballot card shall permit the managers, in counting the write-in votes, to determine readily whether an elector has cast any write-in vote not authorized by law. The Secretary of State, in specifying the form of the ballot, and the State Election Board, in promulgating rules and regulations respecting the conduct of elections, shall provide for ballot secrecy in connection with write-in votes.

21-3-274.

(a) The superintendent of each municipality shall cause the proper ballot labels to be placed on each set of optical scanning voting equipment which is to be used in any precinct within such municipality and shall cause each set of optical scanning voting equipment to be placed in proper order for voting.

(b) The superintendent shall appoint one custodian of optical scanning voting systems and such deputy custodians as may be necessary, whose duty it shall be to prepare the optical scanning voting systems to be used in the municipality at the primaries and elections to be held therein. Each custodian and deputy custodian shall receive from the municipality such compensation as shall be fixed by the governing authority of the municipality. Such custodian shall, under the direction of the superintendent, have charge of and represent the superintendent during the preparation of the optical scanning voting systems as required by this chapter, and he or she and the deputy custodians, whose duty it shall be to assist him or her in the discharge of his or her duties, shall serve at the pleasure of the superintendent. Each custodian shall take an oath of office framed by the Secretary of State, which shall be filed with the superintendent.

(c) On or before the third day preceding a primary or election, the superintendent shall have the optical scanners tested to ascertain that they will correctly count the votes cast for all offices and on all questions. Public notice of the time and place of the test shall be made at least five days prior thereto. Representatives of political parties and bodies, candidates, news media, and the public shall be permitted to observe such tests. The test shall be conducted by processing a preaudited group of ballot cards so marked as to record a predetermined number of valid votes for each candidate and on each question and shall include for each office one or more ballot cards which have votes in excess of the number allowed by law in order to test the ability of the optical scanner to reject such votes. The optical scanner shall not be approved unless it produces an errorless count. If any error is detected, the cause therefor shall be ascertained and corrected; and an errorless count shall be made before the scanner is approved. The same test shall be repeated immediately before the start of the official count of the ballot cards and at the conclusion of such count. The superintendent or custodian shall also prepare the optical scanning voting equipment for voting at the various polling places to be used in the primary or election. In preparing the optical scanning voting equipment, he or she shall arrange the optical scanning voting equipment and the ballot labels so that they meet all requirements of voting and counting at such primary or election, thoroughly inspect and test the optical scanning voting

equipment, and file a certificate in the office of the superintendent that the equipment is in proper order with correct ballot labels.

(d) No superintendent, nor custodian, nor other employee of the superintendent shall in any way prevent free access to and examination of all optical scanning voting equipment which is to be used at the primary or election, by any interested persons.

(e) In every primary or election, the superintendent shall furnish, at the expense of the municipality, all ballot labels, forms of certificates, and other papers and supplies required under this chapter and which are not furnished by the Secretary of State, all of which shall be in the form and according to the specifications prescribed, from time to time, by the Secretary of State.

21-3-275.

(a) The superintendent shall deliver the proper optical scanning voting equipment, properly furnished, to the polling places at least one hour before the time set for opening the polls at each primary or election and shall cause each to be set up in the proper manner for use in voting. The superintendent shall place each set of optical scanning voting equipment in a voting booth so that the ballot labels on the equipment can be plainly seen by the poll officers when not being voted on.

(b) The superintendent shall provide ample protection against molestation of and injury to the optical scanning voting equipment and, for that purpose, shall call upon any law enforcement officer to furnish such assistance as may be necessary; and it shall be the duty of the law enforcement officer to furnish such assistance when so requested by the superintendent.

(c) The superintendent shall furnish for each set of optical scanning voting equipment at least one hour before the opening of the polls:

(1) A lamp which shall give sufficient light to enable electors, while in the voting booth, to read the ballot labels, and which shall be suitable for the use of poll officers in examining the equipment; and the lamp shall be prepared and in good order for use before the opening of the polls;

(2) Two sample ballots printed on a single sheet of white paper or a number of sheets stapled together which shall be a reasonable facsimile of the ballot labels as will be in use in the primary or election and accompanied by directions for voting on the optical scanning voting equipment; and such sample ballots shall be posted prominently outside the enclosed space within the polling place; and

(3) A seal for sealing the optical scanning voting system after the polls are closed and such other materials and supplies as may be necessary or as may be required by law.

21-3-276.

During the 30 days next preceding a general primary or election or during the ten days next preceding a special primary or election, the superintendent shall place on public exhibition, in such public places and at such times as he or she may deem most suitable for the information and instruction of the electors, one or more sets of optical scanning voting equipment. Insofar as practicable, the equipment shall contain the ballot labels and show the offices and questions to be voted upon, the names and arrangements of parties and bodies, and the names and arrangements of the candidates to be voted for. Such equipment shall be under the charge and care of a person competent as custodian and instructor.

21-3-277.

(a) The ~~superintendent~~ shall designate a person or persons who shall have the custody of the optical scanning voting systems of the municipality when they are not in use at a primary or election and shall provide for his or her compensation and for the safe storage and care of the optical scanning voting systems.

(b) All optical scanning voting systems, when not in use, shall be properly covered and stored in a suitable place or places.

21-3-278.

The governing authority of any municipality which adopts optical scanning voting systems in the manner provided for by this part shall, upon the purchase of optical scanning voting systems, provide for their payment by the municipality. Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of counties to meet all or any part of the cost of the optical scanning voting systems.

21-3-279.

If a method of nomination or election for any candidate or office, or of voting on any question is prescribed by law, in which the use of optical scanning voting systems is not possible or practicable, or in case, at any primary or election, the number of candidates seeking nomination or nominated for any office renders the use of optical scanning voting systems for such office at such primary or election impracticable, or if, for any other reason, at any primary or election the use of optical scanning voting systems wholly or in part is not practicable, the superintendent may arrange to have the voting for such candidates or offices or for such questions conducted by paper ballots. In such cases, paper ballots shall be printed for such candidates, offices, or questions, and the primary or election shall be conducted by the poll officers, and the ballots shall be counted and return thereof made in the manner required by law for such nominations, offices, or questions, insofar as paper ballots are used.

Part 5

21-3-279.1.

No direct electronic recording voting system shall be adopted or used unless it shall, at the time, satisfy the following requirements:

- (1) It shall provide facilities for voting for such candidates as may be nominated and upon such questions as may be submitted;
- (2) It shall permit each elector, in one operation, to vote for all the candidates of one party or body for presidential electors;
- (3) Except as provided in paragraph (2) of this Code section for presidential electors, it shall permit each elector, at other than primaries, to vote a ticket selected from the nominees of any and all parties or bodies, from independent nominations, and from persons not in nomination;
- (4) It shall permit each elector to vote, at any election, for any person and for any office for whom and for which he or she is lawfully entitled to vote, whether or not the name of such person or persons appears as a candidate for election; to vote for as many persons for an office as he or she is entitled to vote for; and to vote for or against any question upon which he or she is entitled to vote;
- (5) It shall preclude the counting of votes for any candidate or upon any question for whom or upon which an elector is not entitled to vote; shall preclude the count-

ing of votes for more persons for any office than he or she is entitled to vote for; and shall preclude the counting of votes for any candidate for the same office or upon any question more than once;

(6) It shall permit voting in absolute secrecy so that no person can see or know for whom any other elector has voted or is voting, save an elector whom he or she has assisted or is assisting in voting, as prescribed by law;

(7) It shall be constructed of material of good quality in a neat and workmanlike manner;

(8) It shall, when properly operated, record correctly and accurately every vote cast;

(9) It shall be so constructed that an elector may readily learn the method of operating it; and

(10) It shall be safely transportable.

21-3-279.2.

(a) Any person or organization owning, manufacturing, or selling, or being interested in the manufacture or sale of, any direct electronic recording voting system may request the Secretary of State to examine the system. Any ten or more electors of this state may, at any time, request the Secretary of State to reexamine any such system previously examined and approved by him or her. Before any such examination or reexamination, the person, persons, or organization requesting such examination or reexamination shall pay to the Secretary of State the reasonable expenses of such examination. The Secretary of State may, at any time, in his or her discretion, reexamine any such system.

(b) The Secretary of State shall thereupon examine or reexamine such direct electronic recording voting system and shall make and file in his or her office a report, attested by his or her signature and the seal of his or her office, stating whether, in his or her opinion, the kind of system so examined can be safely used by electors at primaries and elections as provided in this chapter. If this report states that the system can be so used, the system shall be deemed approved; and systems of its kind may be adopted for use at primaries and elections as provided in this chapter.

(c) No kind of direct electronic recording voting system not so approved shall be used at any primary or election and if, upon the reexamination of any such system previously approved, it shall appear that the system so reexamined can no longer be safely used by electors at primaries or elections as provided in this chapter, the approval of the same shall immediately be revoked by the Secretary of State; and no such system shall thereafter be purchased for use or be used in this state.

(d) When a direct electronic recording voting system has been so approved, no improvement or change that does not impair its accuracy, efficiency, or capacity shall render necessary a reexamination or reapproval of such system, or of its kind.

(e) Neither the Secretary of State, nor any custodian, nor the governing authority of any municipality or a member of such authority nor any other person involved in the examination process shall have any pecuniary interest in any direct electronic recording voting system or in the manufacture or sale thereof.

21-3-279.3.

The governing authority of any municipality which adopts direct electronic recording voting systems in the manner provided for by this part shall, upon the purchase of direct electronic recording voting systems, provide for their payment by the municipality.

for the ballot labels required by Article 9 of this chapter or in such form as will allow the ballot to be machine tabulated. Every such ballot shall have printed on the face thereof the following: 'I understand that the offer or acceptance of money or any other object of value to vote for any particular candidate, list of candidates, issue, or list of issues included in this election constitutes an act of voter fraud and is a felony under Georgia law.' The form for either ballot shall be determined and prescribed by the Secretary of State.

21-3-273.

(a) In primaries and elections in which optical scanners are used, the ballots shall be counted at the precinct or tabulating center under the direction of the superintendent. All persons who perform any duties at the tabulating center shall be deputized by the superintendent, and only persons so deputized shall touch any ballot, container, paper, or machine utilized in the conduct of the count or be permitted to be inside the area designated for officers deputized to conduct the count.

(b) All proceedings at the tabulating center and precincts shall be open to the view of the public, but no person except one employed and designated for the purpose by the superintendent or the superintendent's authorized deputy shall touch any ballot or ballot container.

(c) At the tabulating center, the seal on each container of ballots shall be inspected, and it shall be certified that the seal has not been broken before the container is opened. The ballots and other contents of the container shall then be removed, and the ballots shall be prepared for processing by the tabulating machines. The ballots of each polling place shall be plainly identified and cannot be commingled with the ballots of other polling places.

(d) Upon completion of tabulation of the votes, the superintendent shall cause to be completed and signed a ballot recap form, in sufficient counterparts, showing:

- (1) The number of valid ballots, including any that are damaged;
- (2) The number of spoiled and invalid ballots; and
- (3) The number of unused ballots.

The superintendent shall cause to be placed one copy of the recap form and the defective, spoiled, and invalid ballots, each enclosed in an envelope, in the ballot supply container.

(e) For any election for which there is a qualified write-in candidate, the feature on precinct count and central count tabulators allowing separation of write-in votes shall be utilized. If any vote cast on the write-in ballot in combination with the vote cast for the same office on the ballot exceeds the allowed number for the office, the vote cast for that office only shall not be counted. In the discretion of the superintendent, either a duplicate ballot shall be made on which any invalid vote shall be omitted or the write-in ballot and the ballot shall be counted in such manner as may be prescribed by State Election Board rules, omitting the invalid vote.

(f) If it appears that a ballot is so torn, bent, or otherwise defective that it cannot be processed by the tabulating machine, the superintendent, in his or her discretion, may order the proper election official at the tabulating center or precinct to prepare a true duplicate copy for processing with the ballots of the same polling place, which shall be verified in the presence of a witness. All duplicate ballots shall be clearly labeled by the word 'duplicate,' shall bear the designation of the polling place, and shall be given the same serial number as the defective ballot. The defective ballot shall be retained.

(g) The precinct tabulator shall be programmed to return to the voter at the time that the voter inserts the ballot any ballot that cannot be processed by the tabulator for re-evaluation or correction or spoiling of the ballot, and a new ballot shall be issued if needed.

(h) The official returns of the votes cast on ballots at each polling place shall be printed by the tabulating machine. The returns thus prepared shall be certified and promptly posted. The ballots, spoiled, defective, and invalid ballots, and returns shall be filed and retained as provided by law.

21-3-274.

Upon completion of voting, the manager shall prepare and sign a ballot recap form, in sufficient counterparts, showing:

- (1) The number of valid ballots, including any that are damaged;
- (2) The number of spoiled and invalid ballots; and
- (3) The number of unused ballots.

The manager shall then place one copy of the recap form and the defective, spoiled, and invalid ballots, each enclosed in an envelope, in the ballot container, along with the voted ballots, which shall be sealed by the manager so that it cannot be opened without breaking the seal. The managers shall then deliver in the custody of at least two poll officers the container to the tabulating machine center or other place designated by the superintendent and shall receive a receipt therefor. The remaining copies of the recap forms, unused ballots, records, and other materials shall be returned to the designated location.

21-3-275.

As soon as the polls are closed and the last elector has voted in precincts in which optical scanners are used, the poll officers shall:

- (1) For central count optical scan ballots:
 - (A) Seal the ballot box and deliver the ballot box to the tabulating center, as designated by the superintendent; and
 - (B)(i) Examine the ballots and separate those ballots containing write-in votes.
 - (ii) Record in ink the designation of the polling place and a serial number on all write-in ballots, starting with the number one, and place the same number on the ballot voted by the same elector, so that write-in ballots may be identified with the corresponding ballots.
 - (iii) After the write-in ballots have been so marked, place the write-in ballots in an envelope marked 'Write-in Ballots' and designate the polling place and the number of write-in ballots contained therein on such envelope, which shall be sealed and signed by the managers and placed in the ballot container with the other ballots.
 - (iv) Place any ballot that is so torn, bent, or mutilated that it may not be counted by the tabulating machine in an envelope marked 'Defective Ballots' and place the envelope in the container with other ballots; and
- (2) For precinct count optical scan ballots:
 - (A) Feed ballots from the auxiliary compartment of the ballot box, if any, through the tabulator; and

(B) After all ballots have been fed through the tabulator the poll officer shall cause the tabulator to print out a tape with the total votes cast in each election.

21-3-276.

The superintendent, in computing the votes cast at any election, shall compute and certify only those write-in votes properly cast for candidates who have given proper notice of intent to be write-in candidates pursuant to Code Section 21-2-133 exactly as such names were written by the elector.”

SECTION 9.

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

SECTION 10.

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

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

	Abernathy		Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch		Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp		Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
EX	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 49, nays 0.

HB 1268, having received the requisite constitutional majority, was passed by substitute.

The following general bill of the House, having been read the third time and final action suspended on February 27, 1998, pursuant to Senate Rule 143, and placed on the Senate Rules Calendar for today, was continued upon its passage:

HB 1516. By Representatives Birdsong of the 123rd, Smith of the 175th, DeLoach of the 172nd and others:

A bill to amend Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to the service cancelable loan fund and authorized types of ser-

vice cancelable educational loans, so as to change the provisions relating to service cancelable educational loans for eligible members of the Georgia National Guard.

Senate Sponsor: Senator Hill of the 4th.

The substitute offered by Senators Hill of the 4th and Harbison of the 15th and adopted on February 27th, as it appears in the Journal of February 27th, was automatically reconsidered and put upon its adoption.

On the adoption of the substitute, the yeas were 32, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to by substitute.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blicht		Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks		Kemp		Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
EX Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 48, nays 0.

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

HB 1178. By Representatives Royal of the 164th and Buck of the 135th:

A bill to amend Code Section 48-2-44 of the Official Code of Georgia Annotated, relating to penalty and interest on failure to file a return or pay revenue held in trust for the state and penalty and interest on failure to pay ad valorem tax, so as to provide for an effective date.

Senate Sponsor: Senator Perdue of the 18th.

The Senate Committee on Finance and Public Utilities offered the following substitute to HB 1178:

A BILL

To be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," so as to change provisions relating to administration of

ad valorem taxation; to provide for the disposition of certain tax penalties and interest; to change provisions relating to qualification for freeport tax exemption for certain agricultural property; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, the "Georgia Public Revenue Code," is amended in Code Section 48-2-44 of the Official Code of Georgia Annotated, relating to penalty and interest on failure to file a return or pay revenue held in trust for the state and penalty and interest on failure to pay ad valorem tax, by adding a new paragraph at the end of subsection (b), to be designated paragraph (3), to read as follows:

"(3) With respect to all penalties and interest received by the tax commissioner on or after July 1, 1998, unless otherwise specifically provided for by general law, the tax commissioner shall distribute penalties collected and interest collected or earned as follows:

(A) Penalties collected for failure to return property for ad valorem taxation or for failure to pay ad valorem taxes and interest earned by the tax commissioner on taxes collected but not yet disbursed shall be paid into the county treasury in the same manner and at the same time the tax is collected and distributed to the county, and they shall remain the property of the county; and

(B) Interest collected on delinquent ad valorem taxes shall be distributed pro rata based on each taxing jurisdiction's share of the total tax on which the interest was computed."

SECTION 2.

Said title is further amended by striking paragraph (1) of subsection (b) of Code Section 48-5-48.2, relating to the freeport exemption, and inserting in its place a new paragraph (1) to read as follows:

"(1) Inventory of goods in the process of manufacture or production which shall include all partly finished goods and raw materials held for direct use or consumption in the ordinary course of the taxpayer's manufacturing or production business in this state. The exemption provided for in this paragraph shall apply only to tangible personal property which is substantially modified, altered, or changed in the ordinary course of the taxpayer's manufacturing, processing, or production operations in this state. For purposes of this paragraph, the cleaning, drying, pest control treatment, or segregation by grade of grain, peanuts or other oil seeds, or cotton shall constitute substantial modification in the course of processing or production operations. For purposes of this paragraph, remanufacture of aircraft engines or aircraft engine parts or components shall constitute manufacturing operations in this state. Remanufacture of aircraft engines or aircraft engine parts or components means the substantial overhauling or rebuilding of aircraft engines or aircraft engine parts or components;"

SECTION 3.

This Act shall become effective on July 1, 1998.

SECTION 4.

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

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch		Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James		Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp		Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crootts	Y	Land	Y	Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
EX Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 49, nays 0.

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

HB 1549. By Representatives Porter of the 143rd, Barnes of the 33rd, Martin of the 47th and Bordeaux of the 151st:

A bill to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to authorize the Attorney General to bring judicial actions to enforce laws relating to open and public meetings and public records.

Senate Sponsor: Senator Oliver of the 42nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Clay	Y	Henson
Y Balfour	Y	Crootts	Y	Hill
Y Blitch	Y	Dean	Y	Hooks
Y Boshears	Y	Egan	Y	Huggins
Y Bowen		Fort	Y	James
Y Broun, 46th	Y	Gillis	Y	Johnson,D
Y Brown, 26th	Y	Glanton	Y	Johnson,E
Y Brush	EX	Gochenour	Y	Kemp
Y Burton	Y	Griffin	Y	Lamutt
Y Cagle	Y	Guhl	Y	Land
Y Cheeks		Harbison	Y	Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	Y Ray	Y Thomas,D
Y Middleton	Y Roberts	Y Thomas,N
Y Oliver	Scott	Y Thompson
Perdue	Y Starr	Y Turner
Y Price,R	Y Stokes	Y Tysinger
Y Price,T	Streat	Walker
Y Ragan	Tanksley	

On the passage of the bill, the yeas were 47, nays 0.

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

HB 1631. By Representatives Murphy of the 18th, Buck of the 135th, Davis of the 48th and others:

A bill to amend Article 3 of Chapter 13 of Title 48 of the Official Code of Georgia Annotated, relating to county and municipal excise tax levies on charges to the public for rooms, lodgings, and accommodations, so as to change certain provisions authorizing certain counties and municipalities to levy such tax under certain conditions.

Senate Sponsor: Senator Broun of the 46th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
EX Gochenour	Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

SB 467. By Senators Clay of the 37th, Cagle of the 49th and Lamutt of the 21st:

A bill to amend Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the state-wide probation system, and Article 1 of Chapter 10 of Title 17 of the Official Code of Georgia Annotated, relating to the procedure for sentencing and imposition of punishment, so as to eliminate

the two-year limit on supervised probation for probationers who have committed crimes against children.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
EX Gochenour	Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

HB 1299. By Representatives Powell of the 23rd and Parham of the 122nd:

A bill to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, so as to change certain provisions relating to exceptions from operation of chapter.

Senate Sponsor: Senator Thompson of the 33rd.

The Senate Transportation Committee offered the following amendment:

Amend HB 1299 by striking from line 16 on page 1 the following:

“junior college, or”,

and inserting in lieu thereof the following:

“~~junior college, or~~”

On the adoption of the amendment, the yeas were 33, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Blitch	Y Bowen
Y Balfour	Y Boshears	Y Broun, 46th

Y	Brown, 26th	Y	Hill	Y	Ragan
Y	Brush	Y	Hooks	Y	Ralston
Y	Burton	Y	Huggins	Y	Ray
Y	Cagle	Y	James	Y	Roberts
Y	Cheeks	Y	Johnson,D	Y	Scott
Y	Clay	Y	Johnson,E	Y	Starr
Y	Crotts	Y	Kemp	Y	Stokes
Y	Dean	Y	Lamutt	Y	Streat
Y	Egan	Y	Land		Tanksley
Y	Fort	Y	Langford	Y	Taylor
Y	Gillis	Y	Madden	Y	Thomas,D
Y	Glanton	Y	Marable	Y	Thomas,N
EX	Gochenour	Y	Middleton	Y	Thompson
Y	Griffin	Y	Oliver	Y	Turner
Y	Guhl	Y	Perdue	Y	Tysinger
	Harbison	Y	Price,R	Y	Walker
Y	Henson	Y	Price,T		

On the passage of the bill, the yeas were 53, nays 0.

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

SB 643. By Senator Boshears of the 6th:

A bill to amend Part 1 of Article 7 of Chapter 3 of Title 12 of the Official Code of Georgia Annotated, relating to the Jekyll Island--State Park Authority, so as to provide that certain leasehold interests shall not be exempt from certain taxes or assessments; to provide an effective date.

Senator Boshears of the 6th offered the following amendment:

Amend SB 643 by striking "leasehold" and inserting in its place "long-term leasehold" on line 32 of page 1.

By adding after the word "assessments" on line 34 of page 1 the following:

"Provided further, however, that nothing in this Code section shall be construed to authorize the taxation or assessment of any leasehold interest not otherwise subject to such taxation or assessment under the laws of Georgia"

Senator Broun of the 46th moved that SB 643 be placed on the Table. On the motion, which takes precedence, the President ordered a roll call, and the vote was as follows:

	Abernathy	Y	Dean	N	James
	Balfour	N	Egan	Y	Johnson,D
N	Blitch	N	Fort	N	Johnson,E
N	Boshears	Y	Gillis	Y	Kemp
Y	Bowen	N	Glanton	N	Lamutt
Y	Broun, 46th	EX	Gochenour	N	Land
N	Brown, 26th	N	Griffin	Y	Langford
N	Brush	N	Guhl	Y	Madden
N	Burton		Harbison	N	Marable
N	Cagle	Y	Henson	N	Middleton
N	Cheeks	N	Hill	Y	Oliver
N	Clay	Y	Hooks	Y	Perdue
Y	Crotts	Y	Huggins		

Y Price,R	Y Scott	N Thomas,D
N Price,T	Y Starr	N Thomas,N
Y Ragan	N Stokes	Y Thompson
N Ralston	N Streat	Y Turner
N Ray	Tanksley	N Tysinger
Y Roberts	Y Taylor	Walker

On the motion, the yeas were 22, nays 28, and the motion was lost.

On the adoption of the amendment, the yeas were 31, nays 0, and the Boshears amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Harbison	N Ragan
Y Boshears	N Henson	Y Ralston
N Bowen	Y Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
Y Brown, 26th	N Huggins	Y Scott
Y Brush	Y James	N Starr
Y Burton	Y Johnson,D	Y Stokes
N Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
N Clay	N Lamutt	N Taylor
Y Crotts	Y Land	Y Thomas,D
N Dean	N Langford	Y Thomas,N
Y Egan	N Madden	Y Thompson
Y Fort	Y Marable	N Turner
N Gillis	Y Middleton	Y Tysinger
N Glanton	N Oliver	Walker
EX Gochenour	Perdue	

On the passage of the bill, the yeas were 30, nays 20.

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

HB 1394. By Representatives Channell of the 111th, Rogers of the 20th, Reichert of the 126th and others:

A bill to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to registration, operation, and sale of watercraft, so as to provide for certain age limitations on the operation of certain vessels; to change certain provisions relating to personal watercraft.

Senate Sponsor: Senator Cagle of the 49th.

Senator Dean of the 31st moved that HB 1394 be placed on the Table. On the motion, the yeas were 37, nays 0, and HB 1394 was placed on the Table.

Senator Broun of the 46th moved that HB 1631 be immediately transmitted to the House.

On the motion, the yeas were 37, nays 0, and HB 1631 was immediately transmitted.

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:34 P.M., the President announced the Senate adjourned.

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Senate Chamber, Atlanta, Georgia
Tuesday, March 3, 1998
Thirty-first Legislative Day

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1772. By Representative Lord of the 121st:

A bill to amend an Act fixing the compensation for the members of the board of commissioners of Jefferson County and the clerk of such board, so as to change certain provisions relating to the compensation rates for members of the board.

HB 1777. By Representative Ponder of the 160th:

A bill to abolish the office of elected county surveyor of Seminole County; to provide for appointment of a county surveyor by the governing authority of Seminole County.

HB 1779. By Representative Ponder of the 160th:

A bill to provide for the nomination and election of the members of the Board of Education of Seminole County in nonpartisan primaries and elections.

HB 1780. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act abolishing the fee system of compensation for the sheriff of Jones County and providing in lieu thereof an annual salary, so as to change the provisions relating to the compensation and expenses of the sheriff.

HB 1781. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act abolishing the fee system of compensation for the judge of the Probate Court of Jones County and providing in lieu thereof an annual salary, so as to change the provisions relating to the compensation and expenses of the judge of the probate court.

HB 1782. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Jones County into the office of tax commissioner of Jones County, so as to change the provisions relating to the compensation and expenses of the tax commissioner.

HB 1783. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act abolishing the fee system of compensating the clerk of the Superior Court of Jones County and providing in lieu thereof an annual salary, so as to change provisions relating to the compensation and expenses of the clerk of the superior court.

HB 1790. By Representatives Dobbs of the 92nd and Stancil of the 91st:

A bill to create a board of elections and registration for Newton County and provide for its powers and duties.

HB 203. By Representatives McBee of the 88th, Cummings of the 27th, Shanahan of the 10th and others:

A bill to amend Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, so as to provide for creditable service for forfeited annual and sick leave.

HB 1432. By Representatives Purcell of the 147th, James of the 140th, Reaves of the 178th and others:

A bill to amend Code Section 12-5-23 of the Official Code of Georgia Annotated, relating to powers and duties of the Board of Natural Resources and the director of the Environmental Protection Division of the Department of Natural Resources as to control of water pollution and surface-water use generally, so as to provide for additional grounds for the refusal to grant certain permits issued by the director.

HB 1696. By Representative Shanahan of the 10th:

A bill to amend Code Section 44-14-361.1 of the Official Code of Georgia Annotated, relating to how mechanics and materialmen liens are declared and created, so as to provide that failure to execute a notice of lien shall be an amendable defect.

HB 1693. By Representatives Hecht of the 97th, Martin of the 47th, Crawford of the 129th and others:

A bill to amend Code Section 51-4-2 of the Official Code of Georgia Annotated, relating to wrongful death and persons entitled to bring an action, survival of an action, release of a wrongdoer, disposition of the recovery, exemption of the recovery from liability for the decedent's debts, and recovery as to a child born out of wedlock, so as to provide that the share of a surviving spouse of the decedent in a wrongful death action is at least one-third of the amount recovered.

HB 1747. By Representatives Benefield of the 96th, Hudson of the 156th and Porter of the 143rd:

A bill to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain provisions relating to powers of the department of transportation generally; to change certain provisions relating to powers of counties; to change certain provisions relating to powers of municipalities.

HB 1130. By Representatives Williams of the 83rd, Everett of the 163rd, Powell of the 23rd and others:

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A bill to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, so as to provide for a short title; to define certain terms; to provide for the certification of telecommunications companies which bill for or solicit intrastate telecommunications services.

HB 353. By Representatives Ashe of the 46th, Smith of the 175th, Coleman of the 80th and others:

A bill to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to repeal Code Section 20-2-255, relating to petitions for charter school status; to enact the "Charter Schools Act of 1997"

HB 236. By Representatives Ashe of the 46th, McKinney of the 51st, Mobley of the 69th and others:

A bill to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to authorize certain public agencies, public bodies corporate, public corporations, and public authorities to provide transit services or transit facilities by contract to counties, municipalities, or political subdivisions.

HB 1707. By Representative McCall of the 90th:

A bill to amend Article 2 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to motor vehicle emission inspection and maintenance, so as to provide for certain additional powers and duties of the Department of Natural Resources and the Board of Natural Resources with respect to compliance with the federal Clean Air Act, as amended, enforcement of vehicle emission standards, regulation of vehicle emission inspections, and enforcement of vehicle emission standards and regulations.

HB 396. By Representatives Powell of the 23rd, Williams of the 83rd, Hanner of the 159th and others:

A bill to amend Chapter 31 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and licensure of boxing matches, so as to provide for the licensure and regulation of promoters of boxing matches and pay-per-view and closed circuit boxing match telecasts.

HB 1687 By Representatives Maddox of the 72nd, Ragas of the 64th and Teague of the 58th:

A bill to amend Code Section 33-27-1 of the Official Code of Georgia Annotated, relating to group life insurance policy requirements generally, so as to authorize the payment of group life insurance premiums wholly from the contributions of employees.

HB 1692. By Representative Stephens of the 150th:

A bill to authorize the mayor and council of Garden City to submit by referendum to the electors of Garden City the question of adding restaurants serving alcoholic beverages for consumption on the premises to the permitted uses

listed in the Garden City zoning ordinance and permitting such use in C-2 zoning districts within the city, subject to certain conditions.

HB 441. By Representatives Cummings of the 27th, Shanahan of the 10th, McBee of the 88th and others:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to public retirement systems, so as to provide that certain persons may not become members of the Teachers Retirement System of Georgia in a certain manner on or after a certain date; to define certain terms; to provide that certain public school employees may elect to become members of such retirement system.

HB 1425. By Representatives Kaye of the 37th, Powell of the 23rd, Joyce of the 1st and others:

A bill to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from certain statutes relating to the possession of firearms, so as to provide that peace officers certified by jurisdictions outside of the state shall be exempt from restrictions on possessing firearms.

SB 646. By Senator Cagle of the 49th:

A bill to provide for a method of distribution of the net proceeds of the sales tax for education purposes levied in Hall County; to provide for the method of distribution of proceeds of such tax between the Hall County School District and the independent school districts located wholly or partially within Hall County, including particularly the City of Gainesville School System and the City of Buford School System.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 1111. By Representatives Sauder of the 29th, Murphy of the 18th, Irvin of the 45th and others:

A resolution designating the Matthew A. Towery Bridge.

HR 1154. By Representative McCall of the 90th:

A resolution designating the Don Saggus, Jr., Memorial Bridge.

HR 994. By Representatives Twiggs of the 8th, Lord of the 121st, Murphy of the 18th and others:

A resolution designating the Glenn Gooch By-Pass.

The following bills were introduced, read the first time and referred to committees:

SB 701. By Senators Thompson of the 33rd, Lamutt of the 21st and Clay of the 37th:

A bill to amend an Act creating the Cobb County Commission on Children and Youth, as amended, so as to change the date upon which the commission will be abolished.

Referred to Committee on State and Local Governmental Operations.

SB 702. By Senators Glanton of the 34th and Roberts of the 30th:

A bill to provide that the tax commissioner of Douglas County shall retain a specified percentage of educational funds collected by said officer and remit

the same to the governing authority of Douglas County to reimburse the county for the cost of collecting school taxes; to provide for a statement of intention and the authority for this Act.

Referred to Committee on State and Local Governmental Operations.

SB 703. By Senator Price of the 28th:

A bill to create the Spalding County Collaborative Authority for Families and Children; to provide for the manner of appointment of members; to provide for terms, duties, and powers; to provide for all related matters; to provide for an annual report; to provide an effective date.

Referred to Committee on State and Local Governmental Operations.

SB 704. By Senator Kemp of the 3rd:

A bill to provide a homestead exemption from Liberty County ad valorem taxes for county purposes in an amount equal to the amount of the assessed value of the homestead which exceeds the assessed value of that homestead for the taxable year immediately preceding the taxable year in which that exemption is first granted to a resident for certain residents of that county who have annual incomes not exceeding \$50,000.00.

Referred to Committee on State and Local Governmental Operations.

SB 705. By Senators Balfour of the 9th and Clay of the 37th:

A bill to amend Code Section 40-5-57 of the Official Code of Georgia Annotated, relating to suspension or revocation of licenses of habitually negligent or dangerous drivers and the point system, so as to provide for suspension of Class D drivers' licenses in certain cases.

Referred to Committee on Public Safety.

The following bills were read the first time and referred to committees:

HB 203. By Representatives McBee of the 88th, Cummings of the 27th, Shanahan of the 10th and others:

A bill to amend Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, so as to provide for creditable service for forfeited annual and sick leave.

Referred to Committee on Retirement.

HB 236. By Representatives Ashe of the 46th, McKinney of the 51st, Mobley of the 69th and others:

A bill to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to authorize certain public agencies, public bodies corporate, public corporations, and public authorities to provide transit services or transit facilities by contract to counties, municipalities, or political subdivisions.

Referred to Committee on Finance and Public Utilities.

HB 353. By Representatives Ashe of the 46th, Smith of the 175th, Coleman of the 80th and others:

A bill to amend Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to elementary and secondary education, so as to repeal Code Section 20-2-255, relating to petitions for charter school status; to enact the "Charter Schools Act of 1997".

Referred to Committee on Education.

HB 396. By Representatives Powell of the 23rd, Williams of the 83rd, Hanner of the 159th and others:

A bill to amend Chapter 31 of Title 31 of the Official Code of Georgia Annotated, relating to regulation and licensure of boxing matches, so as to provide for the licensure and regulation of promoters of boxing matches and pay-per-view and closed circuit boxing match telecasts.

Referred to Committee on Consumer Affairs.

HB 441. By Representatives Cummings of the 27th, Shanahan of the 10th, McBee of the 88th and others:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to public retirement systems, so as to provide that certain persons may not become members of the Teachers Retirement System of Georgia in a certain manner on or after a certain date; to define certain terms; to provide that certain public school employees may elect to become members of such retirement system.

Referred to Committee on Retirement.

HB 1130. By Representatives Williams of the 83rd, Everett of the 163rd, Powell of the 23rd and others:

A bill to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, so as to provide for a short title; to define certain terms; to provide for the certification of telecommunications companies which bill for or solicit intrastate telecommunications services.

Referred to Committee on Finance and Public Utilities.

HB 1425. By Representatives Kaye of the 37th, Powell of the 23rd, Joyce of the 1st and others:

A bill to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from certain statutes relating to the possession of firearms, so as to provide that peace officers certified by jurisdictions outside of the state shall be exempt from restrictions on possessing firearms.

Referred to Committee on Public Safety.

HB 1432. By Representatives Purcell of the 147th, James of the 140th, Reaves of the 178th and others:

A bill to amend Code Section 12-5-23 of the Official Code of Georgia Annotated, relating to powers and duties of the Board of Natural Resources and the director of the Environmental Protection Division of the Department of Natural Resources as to control of water pollution and surface-water use generally, so as to provide for additional grounds for the refusal to grant certain permits issued by the director.

Referred to Committee on Natural Resources.

HB 1687. By Representatives Maddox of the 72nd, Ragas of the 64th and Teague of the 58th:

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A bill to amend Code Section 33-27-1 of the Official Code of Georgia Annotated, relating to group life insurance policy requirements generally, so as to authorize the payment of group life insurance premiums wholly from the contributions of employees.

Referred to Committee on Consumer Affairs.

HB 1692. By Representative Stephens of the 150th:

A bill to authorize the mayor and council of Garden City to submit by referendum to the electors of Garden City the question of adding restaurants serving alcoholic beverages for consumption on the premises to the permitted uses listed in the Garden City zoning ordinance and permitting such use in C-2 zoning districts within the city, subject to certain conditions.

Referred to Committee on State and Local Governmental Operations.

HB 1693. By Representatives Hecht of the 97th, Martin of the 47th, Crawford of the 129th and Reichert of the 126th:

A bill to amend Code Section 51-4-2 of the Official Code of Georgia Annotated, relating to wrongful death and persons entitled to bring an action, survival of an action, release of a wrongdoer, disposition of the recovery, exemption of the recovery from liability for the decedent's debts, and recovery as to a child born out of wedlock, so as to provide that the share of a surviving spouse of the decedent in a wrongful death action is at least one-third of the amount recovered.

Referred to Committee on Judiciary.

HB 1696. By Representative Shanahan of the 10th:

A bill to amend Code Section 44-14-361.1 of the Official Code of Georgia Annotated, relating to how mechanics and materialmen liens are declared and created, so as to provide that failure to execute a notice of lien shall be an amendable defect.

Referred to Committee on Judiciary.

HB 1707. By Representative McCall of the 90th:

A bill to amend Article 2 of Chapter 9 of Title 12 of the Official Code of Georgia Annotated, relating to motor vehicle emission inspection and maintenance, so as to provide for certain additional powers and duties of the Department of Natural Resources and the Board of Natural Resources with respect to compliance with the federal Clean Air Act, as amended, enforcement of vehicle emission standards, regulation of vehicle emission inspections, and enforcement of vehicle emission standards and regulations.

Referred to Committee on Natural Resources.

HB 1747. By Representatives Benefield of the 96th, Hudson of the 156th and Porter of the 143rd:

A bill to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain provisions relating to powers of the department of transportation generally; to change certain provi-

sions relating to powers of counties; to change certain provisions relating to powers of municipalities.

Referred to Committee on Transportation.

HB 1772. By Representative Lord of the 121st:

A bill to amend an Act fixing the compensation for the members of the board of commissioners of Jefferson County and the clerk of such board, so as to change certain provisions relating to the compensation rates for members of the board.

Referred to Committee on State and Local Governmental Operations.

HB 1777. By Representative Ponder of the 160th:

A bill to abolish the office of elected county surveyor of Seminole County; to provide for appointment of a county surveyor by the governing authority of Seminole County.

Referred to Committee on State and Local Governmental Operations.

HB 1779. By Representative Ponder of the 160th:

A bill to provide for the nomination and election of the members of the Board of Education of Seminole County in nonpartisan primaries and elections.

Referred to Committee on State and Local Governmental Operations.

HB 1780. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act abolishing the fee system of compensation for the sheriff of Jones County and providing in lieu thereof an annual salary, so as to change the provisions relating to the compensation and expenses of the sheriff.

Referred to Committee on State and Local Governmental Operations.

HB 1781. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act abolishing the fee system of compensation for the judge of the Probate Court of Jones County and providing in lieu thereof an annual salary, so as to change the provisions relating to the compensation and expenses of the judge of the probate court.

Referred to Committee on State and Local Governmental Operations.

HB 1782. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Jones County into the office of tax commissioner of Jones County, so as to change the provisions relating to the compensation and expenses of the tax commissioner.

Referred to Committee on State and Local Governmental Operations.

HB 1783. By Representatives Birdsong of the 123rd and Jenkins of the 110th:

A bill to amend an Act abolishing the fee system of compensating the clerk of the Superior Court of Jones County and providing in lieu thereof an annual salary, so as to change provisions relating to the compensation and expenses of the clerk of the superior court.

Referred to Committee on State and Local Governmental Operations.

HB 1790. By Representatives Dobbs of the 92nd and Stancil of the 91st:

A bill to create a board of elections and registration for Newton County and provide for its powers and duties.

Referred to Committee on State and Local Governmental Operations.

HR 994. By Representatives Twiggs of the 8th, Lord of the 121st, Murphy of the 18th and Walker of the 141st:

A resolution designating the Glenn Gooch By-Pass.

Referred to Committee on Transportation.

HR 1111. By Representatives Sauder of the 29th, Murphy of the 18th, Irvin of the 45th and others:

A resolution designating the Matthew A. Towery Bridge.

Referred to Committee on Transportation.

HR 1154. By Representative McCall of the 90th:

A resolution designating the Don Saggus, Jr., Memorial Bridge.

Referred to Committee on Transportation.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Banking and Financial Institutions has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1372. Do pass by substitute. HB 1496. Do pass.

Respectfully submitted,

Senator Turner of the 8th District, Chairman

Mr. President:

The Committee on Corrections, Correctional Institutions & Property has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 671. Do pass. HB 1254. Do pass.

Respectfully submitted,

Senator Dean of the 31st District, Chairman

Mr. President:

The Committee on Consumer Affairs has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 639. Do pass. SB 694. Do pass.

SB 669. Do pass.

Respectfully submitted,

Senator Henson of the 55th District, Chairman

Mr. President:

The Committee on Education has had under consideration the following bills and resolution of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 412. Do pass by substitute.

SB 491. Do pass by substitute.

SB 430. Do pass by substitute.

SR 612. Do pass.

Respectfully submitted,

Senator Marable of the 52nd District, Chairman

Mr. President:

The Committee on Ethics has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 441. Do pass by substitute.

SB 605. Do pass by substitute.

Respectfully submitted,

Senator Madden of the 47th District, Chairman

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1388. Do pass.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 666. Do pass.

SR 703. Do pass.

SB 670. Do pass by substitute.

HB 1086. Do pass.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 603. Do pass by substitute.

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SB 638. Do pass by substitute.	SB 524. Do pass by substitute.
SB 498. Do pass.	SB 688. Do pass.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1532. Do pass.	HB 1633. Do pass as amended.
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Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on Rules has had under consideration the following resolutions of the Senate and has instructed me to report the same back to the Senate with the following recommendations:

SR 544. Do pass.	SR 646. Do pass.
SR 552. Do pass.	SR 680. Do pass.
SR 593. Do pass.	SR 677. Do pass.

Respectfully submitted,

Senator Scott of the 36th District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 249. Do pass by substitute.	HB 1226. Do pass by substitute.
HB 942. Do pass.	HB 1360. Do pass by substitute.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 466. Do pass.	SB 687. Do pass.
SB 698. Do pass.	HB 1748. Do pass.
SB 700. Do pass.	

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following bill of the Senate and has instructed me to report the same back to the Senate with the following recommendation:

SB 693. Do pass.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

Senator Glanton of the 34th moved that Senator Gochenour of the 27th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Gochenour was excused.

Senator Ray of the 48th moved that Senator Cagle of the 49th be excused. On the motion, the yeas were 34, nays 0; the motion prevailed, and Senator Cagle was excused.

Senator Roberts of the 30th moved that Senator Streat of the 19th be excused. On the motion, the yeas were 36, nays 0; the motion prevailed, and Senator Streat was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Balfour	Harbison	Price,R
Blitch	Henson	Price,T
Boshears	Hill	Ragan
Bowen	Hooks	Ralston
Broun, 46th	Huggins	Ray
Brown, 26th	James	Roberts
Brush	Johnson,D	Scott
Burton	Johnson,E	Starr
Cheeks	Kemp	Stokes
Crotts	Lamutt	Taylor
Dean	Land	Thomas,D
Egan	Langford	Thomas,N
Gillis	Madden	Thompson
Glanton	Marable	Turner
Griffin	Middleton	Tysinger
Guhl	Oliver	

Those not answering were:

Abernathy	Fort	Streat (excused)
Cagle (excused)	Gochenour (excused)	Tanksley
Clay	Perdue(PRS)	Walker

Senator Perdue of the 18th, President Pro Tempore, led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Huggins of the 53rd introduced the chaplain of the day, Reverend Edgar Johnson of Flint Stone, Georgia, who offered scripture reading and prayer.

The President assumed the Chair.

The following resolutions were read and adopted:

SR 707. By Senator Ragan of the 11th:

A resolution recognizing and commending D. M. (Max) Langston.

SR 708. By Senator Ragan of the 11th:

~~A resolution expressing~~ regret at the passing of Mr. William L. Sellers.

SR 709. By Senator Ragan of the 11th:

A resolution expressing sorrow upon the passing of Larry Fennell, Jr., and Brent Fennell.

SR 710. By Senator Blitch of the 7th:

A resolution recognizing and commending Karah Kiley-Rae Cripe.

SR 711. By Senator Hooks of the 14th:

A resolution recognizing and commending B. P. "Buddy" Abbott.

SR 712. By Senator Brush of the 24th:

A resolution honoring Belle J. Guin.

SR 713. By Senator Brush of the 24th:

A resolution honoring Anne Gillis.

SR 714. By Senator Brush of the 24th:

A resolution commending Donna Turner.

Senator Middleton of the 50th introduced the doctor of the day, Ernst Nieuwoudt of Dawsonville, Georgia.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday, March 3, 1998

THIRTY-FIRST LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 687 Crofts, 17th
 Guhl, 45th
 NEWTON COUNTY

A bill to create a board of elections and registration for Newton County and provide for its powers and duties; to provide for the composition of the board and the appointment, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to provide for effective dates.

HB 1748 Clay, 37th
 Ralston, 51st
 Price, 56th
 CHEROKEE COUNTY

A bill to provide for the creation of one or more community improvement districts in Cherokee County and in each municipality therein.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins		Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
EX Cagle	Y	Johnson,E	EX	Streat
Y Cheeks	Y	Kemp		Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crofts	Y	Land		Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden		Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
EX Gochenour		Perdue		

On the passage of the local bills, the yeas were 45, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

SENATE RULES CALENDAR

Tuesday, March 3, 1998

THIRTY-FIRST LEGISLATIVE DAY

SR 674	Joint Study Committee on Local Assistance Grants-create (Rules-14th)
SR 655	~ Hugh Alton Carter Bridge-designate (Substitute)(Trans-14th)
HB 1315	Shrimp; seafood; boating safety zones; amend provisions (Substitute)(Amendment)(Nat R-20th) Purcell-147th
HB 1352	Game and fish; amend provisions (Nat R-20th) Lane-146th
SB 549	Incapacitated Adults-admission, discharge from health care institution (Substitute)(Judy-42nd)
SB 661	Metropolitan River Protection Act-certain definitions (Nat R-37th)
SB 490	Obesity Anti-discrimination Act-health insurance coverage for obese (Substitute)(I&L-10th)
SR 627	Chatham County-easement for food service operation, certain marina (Substitute)(F&PU-1st)

- SR 648 ~ Tom Coleman, Mack Mattingly-designate portion of Interstate 95 in honor of (Amendment)(Trans-1st)
- SB 665 Health Insurance-relating to conversion, newborn, adopted coverage (Substitute)(I&L-29th)
- SB 415 Surface Water-permits for withdrawal, certain rivers (Substitute) (Nat R-6th)
- SB 367 Stone Mountain Memorial Association-purposes, association improvement fund (Amendment)(EDT&CA-5th)
- SR 662 Cuba-opposing lifting of any sanctions against (Int Coop-37th)
- SB 600 Zoning-ordinances which zone certain annexed, deannexed property (Amendment)(SLGO-G-17th)
- SB 593 Elections-powers of State Election Board (Amendment)(SLGO-G-10th)
- SB 655 Probate Court Judges-distribution of certain funds to certain minors (S Judy-12th)
- SB 633 Sentence of Community Service-travel time not counted (Judy-51st)
- SR 653 ~ Duane Allman Boulevard and Raymond Berry Oakley III Bridge-designate (Trans-26th)

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

SR 674. By Senators Hooks of the 14th, Perdue of the 18th, Walker of the 22nd and Clay of the 37th:

A resolution creating the Joint Study Committee on Local Assistance Grants.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y Egan	Johnson,E
Y Balfour	Fort	Y Kemp
Y Blitch	Y Gillis	Y Lamutt
Y Boshears	Y Glanton	Y Land
Y Bowen	EX Gochenour	Y Langford
Y Broun, 46th	Y Griffin	Y Madden
Y Brown, 26th	Y Guhl	Y Marable
Brush	Y Harbison	Y Middleton
Y Burton	Y Henson	Y Oliver
EX Cagle	Y Hill	Y Perdue
Y Cheeks	Y Hooks	Y Price,R
Y Clay	Y Huggins	Y Price,T
Y Crotts	Y James	Y Ragan
Y Dean	Y Johnson,D	Y Ralston

Y Ray	EX Streat	Thompson
Roberts	Tanksley	Y Turner
Scott	Y Taylor	Y Tysinger
Y Starr	Y Thomas,D	Walker
Y Stokes	Y Thomas,N	

On the adoption of the resolution, the yeas were 44, nays 0.

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

SR 655. By Senators Hooks of the 14th, Gillis of the 20th and Broun of the 46th:

A resolution honoring Hugh Alton Carter and designating the Hugh Alton Carter Bridge.

The Senate Committee on Transportation offered the following substitute to SR 655:

A RESOLUTION

Honoring Hugh Alton Carter and designating the Hugh Alton Carter Bridge; and for other purposes.

WHEREAS, Honorable Hugh Alton Carter of Plains, Georgia, served with the utmost dedication and ability as a member of the Georgia State Senate for fourteen years beginning in 1967; and

WHEREAS, he served his country with honor and distinction during World War II and continued his military service as a highly respected officer in the United States Army Reserves from 1946 until he retired as a Lieutenant Colonel in 1964; and

WHEREAS, during his legislative service in the Senate, he represented the citizens of Georgia Senate District 14 and was held in high regard by the citizens and community leaders; and

WHEREAS, he provided leadership and knowledge on a wide variety of public concerns throughout his tenure, and his talents were especially valued as the chairman of the Senate Education Committee and as a senior member on the Appropriations, Rules, and Fiscal Affairs Committees; and

WHEREAS, in addition to his public service, he has been a successful businessman, a devout member of the Baptist Church, a beloved partner to his lovely wife Ruth Godwin Carter, and a mentor to their three very capable children: Hugh A. Carter, Jr., Dr. Laurie Carter Tharpe, and Connie Carter Collins; and

WHEREAS, in light of his commendable service to the citizens of Georgia, it is most fitting that his many invaluable contributions to his community and state be recognized.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the members of this body pay tribute to Honorable Hugh Alton Carter for his distinguished public service and designate the bridge on United States Highway 280 3.7 miles west of Plains, Georgia, in Webster County across the pristine Choctohatchee Creek the Hugh Alton Carter Bridge.

BE IT FURTHER RESOLVED that the Georgia Department of Transportation is authorized and directed to erect and maintain appropriate signs designating the bridge.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to the commissioner of transportation and to Honorable Hugh Alton Carter.

On the adoption of the substitute, the yeas were 37, nays 0, and the substitute was adopted.

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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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D		Stokes
EX Cagle	Y	Johnson,E	EX	Streat
Y Cheeks	Y	Kemp		Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
EX Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 46, nays 0.

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

Senator Hooks of the 14th introduced former Senator Hugh Carter, commended by SR 655, and his family. Dr. Laurie Thorpe addressed the Senate briefly on behalf of the Carter Family.

The following resolution was read and adopted:

SR 706. By Senator Perdue of the 18th:

A resolution recognizing the 50th anniversary of the establishment of the State of Israel.

Senator Perdue of the 18th introduced officials of the Atlanta Jewish Community, commended by SR 706.

The Calendar was resumed.

HB 1315. By Representatives Purcell of the 147th, DeLoach of the 172nd, Lane of the 146th and others:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to define certain terms; to provide for resident and non-resident commercial food shrimp cast netting licenses; to provide for the reporting of certain information relating to commercial fishing.

Senate Sponsor: Senator Gillis of the 20th.

The Senate Natural Resources Committee offered the following substitute to HB 1315:

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A BILL

To be entitled an Act to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to define certain terms; to provide for resident and nonresident commercial food shrimp cast netting licenses; to provide for the reporting of certain information relating to commercial fishing; to authorize the commissioner of natural resources to establish times and places for the noncommercial taking of shrimp; to establish a limit on shrimp taken by a cast net, a seine, or a combination of a cast net and a seine; to provide for criminal sanctions; to provide for the assessment of a civil penalty; to provide for the taking of whelks; to provide conditions for the noncommercial taking of shrimp; to amend Code Section 52-7-13 of the Official Code of Georgia Annotated, relating to boating safety zones and related matters, so as to change certain designations of boating safety zones; to provide for matters relative to the foregoing; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 27 of the Official Code of Georgia Annotated, relating to game and fish, is amended by inserting immediately following paragraph (10) of Code Section 27-1-2, relating to definitions relative to such title, the following:

“(10.1) ‘Cast net’ means a cone shaped net designed to be thrown and retrieved by hand and designed to spread out and capture fish and shrimp as the weighted circumference sinks to the bottom and comes together when pulled by a line.”

SECTION 2.

Said title is further amended by inserting immediately following paragraph (13) of Code Section 27-1-2, relating to definitions relative to such title, the following:

“(13.1) ‘Commercial cast net’ means a cast net constructed of a minimum of five-eighths inch bar mesh and having a radius not more than 12 feet and in compliance with the provisions of Code Section 27-4-13;

(13.2) ‘Commercial cast netting’ means taking shrimp for commercial sale for food purposes;”

SECTION 3.

Said title is further amended by inserting immediately following paragraph (59) of Code Section 27-1-2, relating to definitions relative to such title, the following:

“(59.1) ‘Recreational bait shrimp cast net’ means a cast net constructed of a minimum of three-eighths inch mesh with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13. Such term shall include any cast net which exceeds such minimum mesh size.

(59.2) ‘Recreational bait shrimp cast netting’ means taking shrimp for noncommercial use as live bait by means of a cast net.

(59.3) ‘Recreational food shrimp cast net’ means a cast net constructed of a minimum of one-half inch bar mesh with a radius not greater than eight feet and in compliance with the provisions of Code Section 27-4-13.

(59.4) ‘Recreational food shrimp cast netting’ means taking shrimp for noncommercial food purposes by means of a cast net.”

SECTION 4.

Said title is further amended by inserting immediately following Code Section 27-4-12 a new Code section to read as follows:

"27-4-13.

(a) Except as otherwise provided in subsection (b) of this Code section, all cast nets used in the waters of the state shall be constructed of a uniform mesh size and a uniform mesh material from the thimble, also known as the horn, of the net to the lead line. The lead line shall consist of a line to which is attached a minimum of three-fourths pounds of lead per radius foot.

(b) All cast nets used for taking shrimp in the waters of the state shall be constructed of a uniform mesh size and a uniform mesh material from the thimble, also known as the horn, of the net to the lead line. The brail or tuck lines shall be of uniform diameter and constructed of the same material as the mesh. The lead line shall consist of a round line to which is attached a minimum of three-quarters of a pound of lead per radius foot.

(c) It shall be unlawful to use a cast net not in conformity with the provisions of this Code section. It shall be unlawful to possess in a vessel a cast net not in conformity with the provisions of either subsection (a) or subsection (b) of this Code section."

SECTION 5.

Said title is further amended by striking in its entirety Code Section 27-4-110, relating to the requirement for a commercial fishing license, and inserting in lieu thereof the following:

"27-4-110.

It shall be unlawful for any person other than a person in possession of a valid commercial crabbing license as provided for in Code Section 27-4-150, for purposes of such license, or a person in possession of a commercial food shrimp cast netting license as provided in Code Section 27-4-205, for purposes of such license, to engage in commercial fishing in any of the salt waters of this state without first obtaining a commercial fishing license. Such Each license shall be separate and distinct from each other and separate from and in addition to the commercial fishing boat license required by Code Section 27-2-8."

SECTION 6.

Said title is further amended by striking in its entirety paragraph (10) of Code Section 27-4-113, relating to lawful gear for use in commercial salt-water fishing, and inserting in lieu thereof the following:

~~"(10) Cast nets used for commercial purposes in accordance with Article 4 of this chapter~~ Commercial cast nets as defined in Code Section 27-1-2;"

SECTION 7.

Said title is further amended by striking in its entirety Code Section 27-4-118, relating to required records relating to commercial salt-water fishing, and inserting in lieu thereof the following:

"27-4-118.

(a) ~~Except for the taking of shellfish, it shall be unlawful for any boat or vessel used~~ person engaged in commercial fishing or in the taking of seafood in the salt waters of this state to fail to maintain at all times a record book showing the amount of fish,

prawn, shrimp, and other seafood caught daily; the name and address of the person or persons to whom sold; the date of sale and the time and place of delivery; and such other information as may be required by the department. ~~Such records shall be available for inspection by authorized staff of the department.~~

(b) Each person required to maintain records pursuant to the provisions of subsection (a) of this Code section shall report such information to the department at such times and in such manner as the board provides by rule or regulation."

SECTION 8.

Said title is further amended by inserting immediately following Code Section 27-4-118 the following:

"27-4-119.

It shall be unlawful for any person to take shrimp for commercial purposes by any cast net other than a commercial cast net as such term is defined in paragraph (13.1) of Code Section 27-1-2."

SECTION 9.

Said title is further amended by striking in its entirety Code Section 27-4-132, relating to the taking of shrimp for noncommercial purposes generally, and inserting in lieu thereof the following:

"27-4-132.

(a) Except as otherwise provided by law, it shall be unlawful to take shrimp for non-commercial purposes in the salt waters of the State of Georgia except by means of a recreational bait shrimp cast net or a recreational food shrimp cast net or by means of a beach seine of a length and mesh size authorized for use in salt waters by subsection (d) of Code Section 27-4-112.

(b) It shall be unlawful to take shrimp for noncommercial food purposes in the salt waters of the state by any cast net other than a recreational food shrimp cast net or by means of a beach seine. Violation of the provisions of this subsection shall constitute a misdemeanor.

(c) It shall be unlawful to take shrimp except at such times and places as the commissioner may establish. The commissioner is authorized to open or close any or a portion of the salt waters of this state to recreational food shrimp cast netting at any time between May 15 and the last day of February."

SECTION 10.

Said title is further amended by striking in its entirety Code Section 27-4-132.1, relating to limits on amount of shrimp taken by cast net and penalty for violation, and inserting in lieu thereof the following:

"27-4-132.1.

(a) No person or group of persons occupying the same boat taking shrimp by means of a recreational food shrimp cast net or a commercial cast net may take or possess more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails taken by such cast net or a combination of a cast net and a seine in any 24 hour period, and no one person taking shrimp solely by means of a seine, whether such person is acting alone or in a group of persons, may possess more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails taken by such seine in any 24 hour period; provided, however, that no person shall have on board a vessel more than one type of cast net gear, and such person shall be limited to the harvest limit allowable for that type of gear. If any

person or group of persons occupying the same boat are in possession of a cast net and a seine, such person or persons shall be subject to the limits imposed upon taking shrimp by cast net. No vessel owner shall allow the vessel to be used by any person or persons to take more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails in any 24 hour period regardless of the number of trips made or the duration of any trip by such vessel. It shall be unlawful for any vessel owner or operator to allow a vessel to be left anchored and unoccupied for the purpose of receiving shrimp taken by the occupant of any other vessel.

(b)(1) Violation of subsection (a) of this Code section shall constitute a misdemeanor.

(2) In addition to any criminal penalties assessed, any person violating the provisions of subsection (a) of this Code section shall pay a civil penalty in the amount of \$50.00 for each quart of shrimp taken or possessed in excess of the allowable limit.

(c) Whenever the commissioner or his or her designee has reason to believe that any person has violated subsection (a) of this Code section or any rule or regulation promulgated to implement such subsection, he or she may request and shall receive a hearing before an administrative law judge of the Office of State Administrative Hearings acting in place of the Board of Natural Resources, as provided by Code Section 50-13-41. Upon finding that such person has violated subsection (a) of this Code section, the administrative law judge shall impose a civil penalty in the amount of \$50.00 for each quart of shrimp taken or possessed in excess of the allowable limit. The decision of the administrative law judge shall constitute a final decision in the matter, and any party to the hearing, including the commissioner, shall have the right of judicial review thereof in accordance with Chapter 13 of Title 50, the 'Georgia Administrative Procedure Act.'

SECTION 11.

Said title is further amended by striking in its entirety Code Section 27-4-133, relating to lawful nets, the opening and closing of waters, and related matters, and inserting in lieu thereof the following:

“(a) Except as otherwise specifically provided, it shall be unlawful for any person to use a power-drawn net in any of the salt waters of this state for commercial shrimping for human consumption. All sounds shall be closed to such fishing, except that the commissioner may open Cumberland, St. Simons, Sapelo, St. Andrews Andrew, Wasaw, or Ossabaw sounds or any combination of such sounds at any time between September 1 and December 31, provided that he or she has determined that the shrimp in the waters of each sound to be opened are 45 or fewer shrimp with heads on to the pound; and he the commissioner shall close each sound so opened when he or she has determined that the shrimp in the waters of the sound exceed 45 shrimp with heads on to the pound. The commissioner may open any waters outside, on the seaward side, of the sounds between ~~June~~ May 15 and December 31, provided that he or she has determined that the shrimp in such outside waters are 45 or fewer shrimp with heads on to the pound; and he the commissioner shall close the waters so opened when he or she has determined that the shrimp in such outside waters exceed 45 shrimp with heads on to the pound. The commissioner may open any waters outside the sounds during the months of January and February, provided that he or she has determined that the shrimp in such outside waters are 50 or fewer shrimp with heads on to the pound; and he the commissioner shall close such outside waters so opened when he or she has determined that the shrimp in such outside waters exceed 50 shrimp with heads on to the pound. The department shall conduct inspections for such shrimp

count, and a determination by the commissioner shall be conclusive as to the count. The commissioner shall provide public notice of the opening and closing of such waters, as provided in this Code section, by posting a notice of all openings and closings at the courthouse and on all shrimp docks and by such other means as may appear feasible. The notices shall be posted at least 24 hours prior to any change in the opening and closing of any such waters, provided that such notice is required only when waters are opened or closed by action of the commissioner.

(b) It shall be unlawful to use a power-drawn net in any of the salt waters of this state except between the hours of 5:00 A.M. eastern standard time and 8:00 P.M. eastern standard time. It shall also be unlawful to use a power-drawn net in any sound between the hours of 8:00 P.M. eastern standard time on Saturday and 5:00 A.M. eastern standard time on Monday.

(c) (1) Except as otherwise specifically provided, it shall be unlawful to fish with nets other than cast nets in any of the tidal rivers or creeks, except to fish for shad or sturgeon, provided that nothing contained in this Code section shall be construed so as to prohibit any person from using a beach seine along any public beach.

(2) It shall be unlawful to fish for shrimp in the salt waters of the state by means of a seine or a cast net other than a bait shrimp cast net except at such times and places as the commissioner may establish. The commissioner is authorized to open or close for such purpose any or a portion of the salt waters of this state at any time between May 15 and the last day of February, provided that the commissioner has determined that such action in opening or closing said salt waters is in accordance with current, sound principles of wildlife research and management.

(d) The department shall have the power to close all or any portion of the salt waters of this state to commercial and recreational fishing in the event of a disaster likely to cause seafood to be unfit for human consumption or in the event of any other emergency situation.

(e) Nothing contained in this Code section shall be construed to prohibit any person from fishing in the salt waters of this state for shrimp to be used or sold for live bait pursuant to Code Sections 27-4-170 and 27-4-171, provided that it shall be unlawful to use for obtaining shrimp for bait any trawl equipment which has been used for obtaining shrimp pursuant to this Code section.

(f) In accordance with current, sound principles of wildlife research and management, as provided by Code Section 27-4-130, the commissioner is authorized to authorize any person to take crabs or whelks with power-drawn nets of four-inch stretched mesh from any waters outside, on the seaward side, of the sounds at any time during the year, or from the waters of Cumberland, St. Simons, Sapelo, St. Andrews, Wassaw, and Ossabaw sounds during the months of January, February, and March, when the commissioner has determined that taking of crabs or whelks within such waters will not be detrimental to the conservation of crabs or shrimp. Possession of any net with mesh smaller than that provided in this subsection while taking crabs or whelks shall be prima-facie evidence of the violation of this Code section.

(g) It shall be unlawful for any person taking shrimp for commercial purposes pursuant to this Code section to fail to have positioned on the bow or cabin of the boat taking such shrimp a board with a background color of daylight fluorescent orange and with such numerals and letters painted or affixed thereon as are specified by the department for the boat. The numerals and letters shall be at least 16 inches in height, black in color, of block character, and spaced so as to be readable from the air from

left to right. ~~The numerals and letters required for compliance with this subsection shall be designed and furnished by the department. The numerals and letters shall be furnished periodically at the time commercial fishing boat licenses are issued pursuant to Code Section 27-2-8.~~

(h) Any determination to open or close the salt waters pursuant to this Code section shall be made in accordance with current, sound principles of wildlife research and management.”

SECTION 12.

Said title is further amended by striking in its entirety Code Section 27-4-136, relating to the maintenance of records by suppliers of certain sea food, and inserting in lieu thereof the following:

“27-4-136.

(a)(1) It shall be unlawful for any person owning or operating shellfish canning or shucking facilities or otherwise dealing in purchasing, landing, packing, or supplying raw shrimp, shellfish, crabs, fish, or other seafood for commercial purposes to fail to keep a record in which is entered the amount of shrimp, shellfish, crabs, fish, or other seafood taken from Georgia waters for commercial purposes; the name of each person from whom purchased; the date and price of purchase; the grade and quantity purchased; the name, number, and approximate tonnage of the boat in which they were brought to the facility; the number of calendar days expended in harvesting the product; the approximate location or locations of harvest; the quantity canned and packed for shipment; and the date and amount of each shipment; and such other information as the department requires. ~~It shall be unlawful for any such person to fail to make an itemized written report to the department of the information required by this Code section in a form as prescribed by the department by not later than the fifth day of each month.~~

(2) Each person required to maintain records pursuant to paragraph (1) of this subsection shall report such information to the department at such times and in such manner as the board provides by rule or regulation.

(b) It shall be unlawful for any master collecting permittee to fail to maintain records in a form as prescribed by the Department of Agriculture.”

SECTION 13.

Said title is further amended by striking in its entirety subsection (a) of Code Section 27-4-138, relating to penalties for offenses pertaining to the operation of commercial fishing boats engaged in illegal fishing with power drawn nets, and inserting in lieu thereof the following:

“(a)(1) As used in this Code section, the term ‘fishing day’ means any day in any period during which the waters of this state are open to commercial shrimping pursuant to Code Section 27-4-133 and any administrative order of the commissioner.

(2) Any person on board any commercial fishing boat who violates or causes to be violated the provisions of Code Section 27-4-133 or of Code Section 52-7-13 with regard to waters identified in paragraph (1) of subsection (a) of such Code section, which violation occurs not more than one-fourth mile within any waters which are closed or declared a boating safety zone at the time of the violation, shall be guilty of a misdemeanor of a high and aggravated nature and shall be punished as such, subject to minimum punishment as follows:

(A) For the first offense, the person shall be fined not less than \$500.00;

(B) For the second offense, the person shall be fined not less than \$1,500.00 and given a mandatory suspension from any commercial fishing for ten fishing days; and

(C) For the third or any subsequent offense, the person shall be fined not less than \$5,000.00 and given a mandatory suspension from any commercial fishing for 60 fishing days.

(3) Any person in command of any commercial fishing boat who violates or causes to be violated the provisions of Code Section 27-4-133, which violation occurs one-fourth mile or more within any waters which are closed at the time of the violation, shall be guilty of a misdemeanor of a high and aggravated nature and shall be punished as such, subject to minimum punishment as follows:

(A) For the first offense, the person shall be fined not less than \$5,000.00 and given a mandatory suspension from any commercial fishing for 60 fishing days;

(B) For the second offense, the person shall be fined not less than \$10,000.00 and given a mandatory suspension from any commercial fishing for 120 fishing days; and

(C) For the third or any subsequent offense, the person shall be fined not less than \$10,000.00 and given a mandatory suspension from any commercial fishing for one year.

(4) Any person who violates a mandatory suspension provided for in paragraphs (2) and (3) of this subsection shall, upon a proper showing, be subject to imprisonment for a period not to exceed 12 months.”

SECTION 14.

Said title is further amended by inserting immediately following Code Section 27-4-138 two new Code sections to read as follows:

“27-4-139.

(a) It shall be unlawful for any person engaged in recreational food shrimp cast netting to use any cast net other than a recreational food shrimp cast net as such term is defined in Code Section 27-1-2.

(b) It shall be unlawful for any person to sell for human consumption shrimp taken by a recreational food shrimp cast net.

(c) Any person convicted of violating the provisions of this Code section shall be guilty of a misdemeanor.

27-4-140.

(a) Any enforcement officer or other law enforcement officer who discovers an illegal cast net being used on the waters of this state shall confiscate the net, which shall be forfeited.

(b) Any person convicted of using an illegal cast net to take shrimp from the waters of this state for commercial sale for food purposes shall be guilty of a misdemeanor.

(c) Any person convicted for the second or any subsequent time of using an illegal cast net to take shrimp from the waters of this state for commercial sale for food purposes shall, in addition to any other penalty imposed by law, forfeit the vessel on which the violation occurred and in addition all commercial fishing and boat licenses issued to such person shall be revoked in accordance with the provisions of Code Section 27-2-25.

(d) Any person convicted of taking shrimp from the waters of this state for commercial sale for food purposes shall be guilty of a misdemeanor.”

SECTION 15.

Said title is further amended by inserting at the end of Code Section 27-4-170, relating to sport bait shrimping, the following:

“(d)(1) It shall be unlawful for any person engaged in recreational bait shrimp cast netting to use any cast net other than a recreational bait shrimp cast net as such term is defined in Code Section 27-1-2.

(2) The salt waters of the state shall be open to recreational bait shrimp cast netting at any time of the year; provided, however, that any person taking shrimp under this paragraph shall possess no more than two quarts of bait shrimp at any time, no more than one-half pint of which may be dead; and provided, further, that any such person may take a maximum of four quarts of bait shrimp during any 24 hour period. When two or more persons taking shrimp under this subsection occupy the same boat, there may be no more than four quarts of bait shrimp on board the boat at any time, no more than one pint of which may be dead; but the persons occupying the boat may together take a maximum of eight quarts of bait shrimp during any 24 hour period.”

SECTION 16.

Said title is further amended by inserting immediately following Part 3 of Article 4 of Chapter 4, relating to seafood, the following:

“Part 5

27-4-205.

It shall be unlawful for any person to take shrimp with a cast net from the waters of the state for commercial sale for food purposes or to sell for food purposes any shrimp he or she has taken with a cast net from the waters of the state unless he or she is in possession of a commercial food shrimp cast netting license as provided in this part. Such license shall be required in addition to a commercial fishing boat license issued pursuant to Code Section 27-2-8.

27-4-206.

(a) The department may issue no more than 250 commercial food shrimp cast netting licenses as provided in this Code section. Such licenses shall be issued only to individuals and shall not be transferable.

(b) The department shall issue commercial food shrimp cast netting licenses for the year 1998 in order of the date and time the application was received to individuals who:

(1) Were in possession of a valid 1997-1998 commercial fishing license issued on or before December 12, 1997;

(2) Were listed as owner or captain of a valid 1997-1998 ~~nontrawler~~ commercial fishing boat license on the application for which a cast net was indicated as a commercial harvest gear on or before December 12, 1997; and

(3) Are able to provide evidence satisfactory to the department that they sold shrimp ex-vessel during the 1997-1998 license year on or before December 12, 1997.

(c) If the number of licenses issued pursuant to subsection (b) of this Code section does not total 250, the department may issue the remaining allotment of commercial

food shrimp cast netting licenses in the initial or any subsequent license year by lottery devised and operated by the department.

(d) The department shall charge a license fee for the commercial food shrimp cast netting license in the amount of \$250.00 for a resident commercial food shrimp cast netting license and \$2,500.00 for a nonresident commercial food shrimp cast netting license.

(e) Any license which is not renewed in subsequent license years shall revert to the department to be issued as provided in subsection (c) of this Code section.”

SECTION 17.

Code Section 52-7-13 of the Official Code of Georgia Annotated, relating to boating safety zones and related matters, is amended by striking in its entirety subsection (a) and inserting in lieu thereof the following:

“(a)(1) The following are established as boating safety zones from May 1 through the following September 30:

(A)(1) The ocean waters adjacent to Jekyll Island, which shall include all those waters for a distance of 1,000 feet from the high-water mark on Jekyll Beach from the northernmost point to the southernmost point of Jekyll Island;

(B)(2) The ocean waters adjacent to Tybee Island Beach, which shall include all those waters for a distance of 1,000 feet from the high-water mark on Tybee Island Beach from the northernmost point to the southernmost point of Tybee Island Beach;

(C)(3) The ocean waters adjacent to Saint Simons Island, which shall include all those waters for a distance of 1,000 feet from the high-water mark on Saint Simons Island from the northernmost point to the southernmost point of Saint Simons Island; and

(D)(4) The ocean waters adjacent to Sea Island, which shall include all those waters for a distance of 1,000 feet from the high-water mark on Sea Island from the northernmost point to the southernmost point of Sea Island.;

(2) The following are established as boating safety zones at all times of the year:

(A)(5) The area within the marked boundary of any designated swimming area; and

(B)(6) The area within the marked boundary upstream or downstream of any dam designated by the commissioner.”

SECTION 18.

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

Senator Johnson of the 1st offered the following amendment:

Amend the committee substitute to HB 1315 by adding on page 14 after line 30 a new paragraph

(E) The boating safety zones identified (sic) above shall not apply to sporting events if granted written approval from the Commissioner of the Department of Natural Resources.

Senator Johnson of the 1st asked unanimous consent that his amendment be withdrawn. The consent was granted and the amendment was withdrawn.

Senators Taylor of the 12th and Gillis of the 20th offered the following amendment:

Amend the committee substitute to HB 1315 by inserting on page 1, line 16, between "zones" and ";," the following: "and to change certain designated lakes where certain vessels shall be prohibited", and

by inserting on page 14 between lines 36 and 37 the following: "and by striking in its entirety subsection (d) and inserting in lieu thereof the following:

'(d) The operation of any vessel, specifically including a houseboat, with a marine toilet, galley, or sleeping quarters shall be prohibited on Lake Burton, Bull Sluice Lake, Goat Rock Lake, Lake Harding, Lake Jackson, North Highlands Lake, Lake Oliver, Lake Rabun, Seed Lake, Tallulah Falls Lake, Tugalo Lake, Lake Worth Oconee, and Yonah Lake."

On the adoption of the amendment, the yeas were 31, nays 0, and the Taylor, Gillis amendment to the committee substitute was adopted.

Senator Blicht of the 7th offered the following amendment:

Amend the committee substitute to HB 1315 by striking lines 18 through 42 on page 5 and inserting in lieu thereof the following:

"(a) No person or group of persons occupying the same boat taking shrimp by means of a recreational food shrimp cast net may take or possess more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails, and no person in possession of a commercial shrimp cast netting license taking shrimp by means of a commercial cast net may take or possess more than 60 quarts of shrimp with heads or 38 quarts of shrimp tails, taken by such cast net or a combination of a cast net and a seine in any day, and no one person taking shrimp solely by means of a seine, whether such person is acting alone or in a group of persons, may possess more than 24 quarts of shrimp with heads or 15 quarts of shrimp tails taken by such seine in any 24 hour period day; provided, however, that no person shall have on board a vessel more than one type of cast net gear, and such person shall be limited to the harvest limit allowable for that type of gear. If any person or group of persons occupying the same boat are in possession of a cast net and a seine, such person or persons shall be subject to the limits imposed upon taking shrimp by cast net. No vessel owner shall allow the vessel to be used by any person or persons to take more than 48 quarts of shrimp with heads or 30 quarts of shrimp tails in any 24 hour period day regardless of the number of trips made or the duration of any trip by such vessel. It shall be unlawful for any vessel owner or operator to allow a vessel to be left anchored and unoccupied for the purpose of receiving shrimp taken by the occupant of any other vessel."

By striking lines 23 through 36 on page 12 and inserting in lieu thereof the following:

"(2) The salt waters of the state shall be open to recreational bait shrimp cast netting at any time of the year; provided, however, that any person taking shrimp under this paragraph shall possess no more than two quarts of bait shrimp at any time, all of which may be dead; and provided, further, that any such person may take a maximum of four quarts of bait shrimp during any day. When two or more persons taking shrimp under this subsection occupy the same boat, there may be no more than four quarts of bait shrimp on board the boat at any time, all of which may be dead; and the persons occupying the boat may together take a maximum of eight quarts of bait shrimp during any day."

On the adoption of the amendment, the yeas were 35, nays 1, and the Blicht amendment to the committee substitute was adopted.

On the adoption of the committee substitute, the yeas were 38, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
N Blitch	Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	N Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
EX Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 2.

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

Senators Johnson of the 1st and Johnson of the 2nd introduced officials of the St. Patrick's Day Parade Committee, and the Grand Marshal, John J. Forbes, commended by SR 621, adopted previously, who addressed the Senate briefly.

The following resolution was read and adopted:

SR 715. By Senators Henson of the 55th, Middleton of the 50th, Burton of the 5th and Oliver of the 42nd:

A resolution commending Chuck Burris.

Senator Henson of the 55th introduced the Mayor of Stone Mountain, Chuck Burris, who addressed the Senate briefly.

Senator Taylor of the 12th introduced officials from the City of Albany.

Senator Perdue, President Pro Tempore, assumed the Chair.

The Calendar was resumed.

HB 1352. By Representative Lane of the 146th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain definitions; to change provisions relative to the saltwater separation point; to change certain provisions relating to

identification of boats taking shrimp; to provide for a recreational fishing license for all waters of this state.

Senate Sponsor: Senator Gillis of the 20th.

Senators Kemp of the 3rd, Boshears of the 6th, Johnson of the 2nd and Ray of the 48th offered the following amendment #1:

Amend HB 1352 by striking lines 2 and 3 on page 1 and inserting in lieu thereof the following:

“relating to game and fish, so as to change provisions relative to the salt-water”

By striking lines 22 through 32 on page 1.

By striking lines 10 and 11 on page 10 and inserting in lieu thereof the following:

“(4) Fresh-water fishing licenses:”

By renumbering Sections 3 through 16 as Sections 2 through 15, respectively.

On the adoption of the amendment, Senator Kemp of the 3rd called for the yeas and nays. The call was sustained, and the vote was as follows:

Abernathy	Y	Griffin	N	Price,R
Y Balfour	N	Guhl	N	Price,T
Y Blitch	Y	Harbison	N	Ragan
Y Boshears	N	Henson	Y	Ralston
N Bowen	Y	Hill	Y	Ray
N Broun, 46th	N	Hooks	N	Roberts
Y Brown, 26th	N	Huggins	Y	Scott
N Brush	Y	James	N	Starr
Y Burton	Y	Johnson,D	N	Stokes
N Cagle	Y	Johnson,E	N	Streat
N Cheeks	Y	Kemp		Tanksley
N Clay	N	Lamutt	N	Taylor
N Crotts	N	Land	N	Thomas,D
N Dean	Y	Langford	Y	Thomas,N
N Egan	N	Madden		Thompson
Y Fort	Y	Marable	N	Turner
N Gillis	Y	Middleton	N	Tysinger
Y Glanton	N	Oliver	Y	Walker
EX Gochenour		Perdue(PRS)		

On the adoption of the amendment, the yeas were 22, nays 29, and the Kemp, et al. amendment #1 was lost.

Senators Kemp of the 3rd, Boshears of the 6th, Johnson of the 2nd and Ray of the 48th offered the following amendment #2:

Amend HB 1352 by striking line 39 on page 2 and inserting in lieu thereof the following:
~~“deed to such land.~~

“(d) Notwithstanding the provisions of subsection (c) of this Code section, no license shall be required to fish with permission of the owner from noncommercial premises not open to the public, including docks and foreshores of such premises.”

On the adoption of the amendment, the yeas were 36, nays 0, and the Kemp, et al. amendment #2 was adopted.

On the adoption of the amendment, the yeas were 47, nays 0, and the Ray, et al. amendment #5 was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	N	Griffin	Y	Price,R
N Balfour	Y	Guhl	Y	Price,T
N Blitch	N	Harbison	Y	Ragan
N Boshears	Y	Henson	N	Ralston
Y Bowen	N	Hill	N	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
N Brown, 26th	Y	Huggins	N	Scott
Y Brush	N	James	Y	Starr
Y Burton	N	Johnson,D	N	Stokes
Y Cagle	N	Johnson,E	Y	Streat
Y Cheeks	N	Kemp		Tanksley
N Clay	Y	Lamutt	N	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	N	Langford	N	Thomas,N
Y Egan	Y	Madden	Y	Thompson
N Fort	N	Marable	Y	Turner
Y Gillis	N	Middleton	Y	Tysinger
N Glanton	Y	Oliver		Walker
EX Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 28, nays 23.

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

Senator Gillis of the 20th gave notice that, at the proper time, he would move that the Senate reconsider its action in defeating HB 1352.

At 1:00 P.M., Senator Perdue of the 18th, President Pro Tempore, announced that the Senate would stand in recess until 2:15 P.M.

The President called the Senate to order at 2:15 P.M.

The Calendar was resumed.

SB 549. By Senators Oliver of the 42nd, Ralston of the 51st and Burton of the 5th:

A bill to expedite admission to or discharge from certain health care institutions of incapacitated adults and persons and adults unable to consent for themselves; to amend Chapter 5 of Title 29 of the Official Code of Georgia Annotated, relating to guardians of incapacitated adults, so as to provide for an alternative procedure for appointment of an emergency guardian; to provide for specific, limited powers for such a guardian.

The Senate Judiciary Committee offered the following substitute to SB 549:

A BILL

To be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for consent to admission to or discharge from a health care facility or placement or transfer to another health care facility or placement for adults unable to consent; to provide a short title; to provide for legislative findings and

definitions; to provide that the Act does not apply to involuntary examination and hospitalization for treatment of mental illness; to provide for a physician's certification that an adult is unable to consent; to authorize enumerated persons to consent; to provide for limitation and expiration of authorization to consent; to provide for immunity; to provide for petition to the probate court for an order authorizing transfer, admission, or discharge; to provide for the contents of the petition, venue, and jurisdiction; to provide for affidavits by a physician and designated personnel of the discharging facility or placement; to provide for orders and copies of such orders to the commissioner of human resources; to provide for expiration and limitation of such orders; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by inserting a new chapter to be designated Chapter 36A to read as follows:

“CHAPTER 36A

31-36A-1.

This chapter shall be known and may be cited as the ‘Temporary Health Care Placement Decision Maker for an Adult Act.’

31-36A-2.

(a) The General Assembly recognizes that there may be occasions when an adult has not made advance arrangements for a situation when he or she is unable to consent to his or her own admission to or discharge from one health care facility or placement or transfer to another health care facility or placement. Under these circumstances, the General Assembly further recognizes that it may be necessary and in the adult's best interest to be admitted to or discharged from one health care facility or placement or transferred to an alternative facility or placement.

(b) In recognition of the findings in subsection (a) of this Code section, the General Assembly declares that the laws of the State of Georgia shall provide for the most appropriate placement available for these individuals and shall declare an order of priority for those persons who may make the decision to transfer, admit, or discharge such adults at the appointed times and a procedure for obtaining authorization from the court in the absence of a person authorized to consent.

31-36A-3.

As used in this chapter, the term:

(1) ‘Absence of a person authorized to consent’ means that:

(A) After diligent efforts for a reasonable period of time, no person authorized to consent under the provisions of Code Section 31-36A-6 has been located; or

(B) All such authorized persons located have affirmatively waived their authority to consent or dissent to admission to or discharge from a health care facility or placement or transfer to an alternative health care facility or placement, provided that dissent by an authorized person to a proposed admission, discharge, or transfer shall not be deemed waiver of authority.

(2) ‘Unable to consent’ means that an adult is unable to:

(A) Make decisions regarding his or her placement options for health or personal care; or

(B) Communicate such decisions by any means.

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This chapter shall not apply to involuntary examination and hospitalization for treatment of mental illness, which shall continue to be governed by Title 37.

31-36A-5.

An attending physician, treating physician, or other physician licensed according to the laws of the State of Georgia, after having personally examined an adult, may certify in the adult's medical records the following:

- (1) The adult is unable to consent for himself or herself; and
- (2) It is the physician's belief that it is in the adult's best interest to be discharged from a hospital, institution, medical center, or other health care institution providing health or personal care for treatment for any type of physical or mental condition and to be transferred to or admitted to an alternative facility or placement, including, but not limited to, long-term care facilities, personal care facilities, subacute care facilities, rehabilitation facilities, and home and community based programs.

31-36A-6.

(a) Upon a physician's certification pursuant to Code Section 31-36A-5, and in addition to such other persons as may be otherwise authorized and empowered, any one of the following persons is authorized and empowered to consent, in the priority order listed below, either orally or otherwise, to such transfer, admission, or discharge:

- (1) Any adult, for himself or herself;
- (2) Any person authorized to give such consent for the adult under a health care agency complying with Chapter 36 of this title, the 'Durable Power of Attorney for Health Care Act';
- (3) Any guardian of the person for his or her ward;
- (4) Any spouse for his or her spouse;
- (5) Any adult child for such person's parent;
- (6) Any parent for such person's adult child;
- (7) Any adult for such person's adult brother or sister;
- (8) Any grandparent for such person's adult grandchild;
- (9) Any adult grandchild for such person's grandparent;
- (10) Any adult uncle or aunt for such person's adult nephew or niece; or
- (11) Any adult nephew or niece for such person's adult uncle or aunt.

(b) Any person authorized and empowered to consent under subsection (a) of this Code section shall, after being informed of the provisions of this Code section, act in good faith to consent to a transfer, admission, or discharge which the patient would have wanted had the patient been able to consent in the circumstances under which such transfer, admission, or discharge is considered. The current health care facility's discharge planner, social worker, or other designated personnel shall assist the person authorized to consent under subsection (a) of this Code section with identifying the most appropriate, least restrictive level of care available, including home and community based services and available placements, if any, in reasonable proximity to the patient's residence.

(c) The authorization to consent to such transfer, admission, or discharge shall expire upon on the earliest of the following:

- (1) The completion of the transfer, admission, or discharge and such responsibilities associated with such transfer, admission, or discharge, including, but not limited to, assisting with applications for financial coverage and insurance benefits for the health or personal care;
- (2) Upon a physician's certification that the adult is able to consent to decisions regarding his or her placements for health or personal care; or
- (3) Upon discovery that another person authorized under subsection (a) of this Code section of a higher priority is available.

(d) The authorization to give consent for transfer, admission, or discharge is limited solely to said transfer, admission, or discharge decision and responsibilities associated with such decision, including providing assistance with financial assistance applications. It does not include the power or authority to perform any other acts on behalf of the adult not expressly authorized in this Code section.

(e) This Code section shall not repeal, abrogate, or impair the operation of any other laws, either federal or state, governing the transfer, admission, or discharge of a person to or from a health care facility or placement. Further, the adult retains all rights provided under laws, both federal and state, as a result of an involuntary transfer, admission, or discharge.

(f) Each certifying physician, discharge planner, social worker, or other hospital personnel or authorized person who acts in good faith pursuant to the authority of this Code section shall not be subject to any civil or criminal liability or discipline for unprofessional conduct.

31-36A-7.

(a) In the absence of a person authorized authorized to consent under the provisions of Code Section 31-36A-6, any interested person or persons, including, but not limited to, any authority, corporation, partnership, or other entity operating the health care facility where the adult who is unable to consent is then present, with or without the assistance of legal counsel, may petition the probate court for a health care placement transfer, admission, or discharge order. The petition must be verified and filed in the county where the adult requiring an alternative placement or transfer, admission, or discharge resides or is found, provided that the probate court of the county where the adult is found shall not have jurisdiction to grant the order if it appears that the adult was removed to that county solely for purposes of filing such a petition. The petition shall set forth:

- (1) The name, age, address, and county of the residence of the adult, if known;
- (2) The name, address, and county of residence of the petitioner;
- (3) The relationship of the petitioner to the adult;
- (4) The current location of the adult;
- (5) A physician's certification pursuant to Code Section 31-36A-5;
- (6) The absence of any person to consent to such transfer, admission, or discharge as authorized by the provisions of Code Section 31-36A-6;
- (7) Name and address of the recommended alternative health care facility or placement; and

(8) A statement of the reasons for such transfer, admission, or discharge as required by subsections (b) and (c) of this Code section.

(b) The petition shall be supported by the affidavit of an attending physician, treating physician, or other physician licensed according to the laws of the State of Georgia, attesting the following:

(1) The adult is unable to consent for himself or herself;

(2) It is the physician's belief that it is in the adult's best interest to be admitted to or discharged from a hospital, institution, medical center, or other health care institution providing health or personal care for treatment for any type of physical or mental condition or to be transferred to an alternative facility or placement, including, but not limited to, long-term care facilities, personal care facilities, subacute care facilities, rehabilitation facilities, and home and community based programs; and

(3) The identified type of health care facility or placement will provide the adult with the recommended services to meet the needs of the adult and is the most appropriate, least restrictive level of care available.

(c) The petition shall also be supported by the affidavit of the discharging health care facility's discharge planner, social worker, or other designated personnel attesting to and explaining the following:

(1) There is an absence of a person to consent to such transfer, admission, or discharge as authorized in Code Section 31-36A-6;

(2) The recommended alternative facility or placement is the most appropriate facility or placement available that provides the least restrictive and most appropriate level of care and reasons therefor; and

(3) Alternative facilities or placements were considered, including home and community based placements and available placements, if any, that were in reasonable proximity to the adult's residence.

(d) The court shall review the petition and accompanying affidavits and other information to determine if all the necessary information is provided to the court as required in subsections (a), (b), and (c) of this Code section. The court shall enter an in-stanter order if the following information is provided:

(1) The adult is unable to consent for himself or herself;

(2) There is an absence of any person to consent to such transfer, admission, or discharge as authorized in Code Section 31-36A-6;

(3) It is in the adult's best interest to be discharged from a hospital, institution, medical center, or other health care institution or placement providing health or personal care for treatment for any type of physical or mental condition and to be admitted or transferred to an alternative facility or placement;

(4) The recommended alternative facility or placement is the most appropriate facility or placement available that provides the least restrictive and most appropriate level of care; and

(5) Alternative facilities or placements were considered, including home and community based placements and available placements, if any, in reasonable proximity to the adult's residence.

The order shall authorize the petitioner or the petitioner's designee to do all things necessary to accomplish the discharge from a hospital, institution, medical center, or

other health care institution and the transfer to or admission to the recommended facility or placement.

(e) At the same time as issuing the order, the court shall provide a copy of said order to the commissioner of human resources.

(f) The order authorizing such transfer, admission, or discharge shall expire upon the earliest of the following:

(1) The completion of the transfer, admission, or discharge and such responsibilities associated with such transfer, admission, or discharge, including, but not limited to, assisting with the completion of applications for financial coverage and insurance benefits for the health or personal care;

(2) Upon a physician's certification that the adult is able to understand and make decisions regarding his or her placements for health or personal care and can communicate such decisions by any means; or

(3) At a time specified by the court not to exceed 30 days from the date of the order.

(g) The order is limited to authorizing the transfer, admission, or discharge and other responsibilities associated with such decision, such as authorizing the application for financial coverage and insurance benefits. It does not include the authority to perform any other acts on behalf of the adult not expressly authorized in this Code section.

(h) This Code section shall not repeal, abrogate, or impair the operation of any other laws, either federal or state, governing the transfer, admission, or discharge of a person to or from a health care facility or placement. Further, such person retains all rights provided under laws, both federal and state, as a result of an involuntary transfer, admission, or discharge.

(i) Each certifying physician, discharge planner, social worker, or other hospital personnel or authorized person who acts in good faith pursuant to the authority of this Code section shall not be subject to any civil or criminal liability or discipline for unprofessional conduct."

SECTION 2.

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

Senator Oliver of the 42nd offered the following amendment:

Amend the committee substitute to SB 549 by striking on page 4, line 24 the word "on"

and by striking on page 5, line 18 after the word "authorized" and before the word "to" the following: "authorized"

On the adoption of the amendment, the yeas were 32, nays 1, and the Oliver amendment was adopted.

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy
Y Balfour

Y Blicht
Y Boshears

Bowen
Broun, 46th

Y Brown, 26th	Y Hill	Y Ragan
Y Brush	Y Hooks	Y Ralston
Y Burton	Y Huggins	Y Ray
Y Cagle	N James	Y Roberts
Y Cheeks	Y Johnson,D	Scott
Y Clay	Johnson,E	Starr
Crotts	Kemp	Stokes
Y Dean	Y Lamutt	Y Streat
Y Egan	Land	Tanksley
Y Fort	Y Langford	Taylor
Y Gillis	Y Madden	Y Thomas,D
Y Glanton	Y Marable	Thomas,N
EX Gochenour	Middleton	Y Thompson
Y Griffin	Y Oliver	Y Turner
Y Guhl	Y Perdue	Y Tysinger
Harbison	Y Price,R	Walker
Henson	Y Price,T	

On the passage of the bill, the yeas were 38, nays 1.

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

Senator Cheeks of the 23rd moved that Senator Broun of the 46th be excused. On the motion, the yeas were 36, nays 1; the motion prevailed, and Senator Broun was excused.

The Calendar was resumed.

SB 661. By Senator Clay of the 37th:

A bill to amend Part 6 of Article 5 of Chapter 5 of Title 12 of the Official Code of Georgia Annotated, the "Metropolitan River Protection Act," so as to define the term "owner" and revise the definitions of the terms "plan" and "water-course"; to make a certain legislative finding; to provide for one or more comprehensive land and water use plans.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Fort	Y Lamutt
Y Balfour	Y Gillis	Y Land
Y Blitch	N Glanton	Y Langford
Y Boshears	EX Gochenour	Y Madden
Y Bowen	Y Griffin	Y Marable
EX Broun, 46th	Y Guhl	Y Middleton
Y Brown, 26th	Harbison	Oliver
Brush	Henson	Y Perdue
Y Burton	Y Hill	Y Price,R
Y Cagle	Y Hooks	Y Price,T
Y Cheeks	Y Huggins	Y Ragan
Y Clay	Y James	Y Ralston
Y Crotts	Y Johnson,D	Y Ray
Y Dean	Y Johnson,E	Y Roberts
Y Egan	Y Kemp	Scott

Y	Starr	Y	Taylor	Y	Turner
	Stokes	Y	Thomas,D	Y	Tysinger
Y	Streat		Thomas,N		Walker
	Tanksley	Y	Thompson		

On the passage of the bill, the yeas were 43, nays 1.

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

SB 490. By Senators Thomas of the 10th, Griffin of the 25th, Johnson of the 2nd and others:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to require health insurers to provide coverage for the treatment of morbid obesity when medically indicated; to provide for a short title; to provide for legislative findings; to provide definitions; to provide for the issuance of rules and regulations by the Commissioner of Insurance.

The Senate Committee on Insurance and Labor offered the following substitute to SB 490:

A BILL

To be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to require health insurers to offer comprehensive medical or surgical coverage for the treatment of morbid obesity patients when said treatment is ordered, conducted, or supervised by health care providers specializing in the management of patients so afflicted; to provide for a short title; to provide for legislative findings; to provide definitions; to provide for the issuance of rules and regulations by the Commissioner of Insurance; to provide for adjustment of current contracts; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding at the end thereof the following:

“33-24-59.1.

(a) This Code section shall be known and may be cited as the ‘Morbid Obesity Anti-discrimination Act.’

(b) The General Assembly finds and declares that:

(1) Whereas many health care insurers cover the costs of treatment for patients diagnosed as morbidly obese by their physicians, many other insurers refuse to cover such costs;

(2) There is sufficient scientific data that implicate morbid obesity as the cause of many other medical problems and costly health complications, such as diabetes, hypertension, heart disease, and stroke. These data indirectly question the safety and appropriateness of the continued refusal of some insurers to cover the medically indicated treatment of the morbidly obese patient. The association of morbid obesity with the aforementioned devastating diseases refutes any claim of a purely cosmetic indication for the treatment of morbid obesity and clearly designates morbid obesity as a life-threatening disease;

(3) The cost of managing the complications of morbid obesity, largely due to inadequate treatment, far outweighs the cost of expeditious, effective medical treatment. Therefore, insurers who continue to refuse to pay for the primary treatment of morbid obesity are contributing to the high cost of management of secondary complications;

(4) Guidelines developed by the National Institute of Health, the American Society for Bariatric Surgery, the American Obesity Association, and Shape Up America and embraced by the American Medical Association and the American College of Surgeons recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity; and

(5) The diagnosis of morbid obesity should be a clinical decision made by a physician based on the guidelines set by the appropriate health and medical associations and organizations. The treatment modality should also be a clinical decision made by the physician based on set guidelines.

(c)(1) As used in this Code section, the term:

(A) 'Health benefit policy' means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state which provides major medical benefits, including those contracts executed by the State of Georgia on behalf of indigents and on behalf of state employees under Article 1 of Chapter 18 of Title 45, by a health care corporation, health maintenance organization, preferred provider organization, accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, or other insurer or similar entity.

(B) 'Health care providers' means those physicians and medical institutions that are specifically qualified to treat in a comprehensive manner the entire complex of illness and disease associated with morbid obesity.

(C) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, or any similar entity authorized to issue contracts under this title and also means any state program funded under Title XIX of the federal Social Security Act, 42 U.S.C.A. Section 1396 et seq., and any other publicly funded state health care program.

(D) 'Morbid obesity' means a weight which is at least 100 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan Life Insurance tables. Morbid obesity also means a body mass index (BMI) equal to or greater than 35 kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes or a BMI of 40 kilograms per meter squared without such comorbidity. BMI equals weight in kilograms divided by height in meters squared.

(2) Every health benefit policy that is delivered, issued, executed, or renewed in this state or approved for issuance or renewal in this state by the Commissioner on or after July 1, 1998, which provides major medical benefits shall offer coverage for the treatment of morbid obesity.

(d) The Commissioner of Insurance shall adopt rules and regulations necessary to implement the provisions of this Code section in collaboration with the Division of Public Health of the Department of Human Resources and in compliance with current guide-

lines established by professional medical organizations relating to the treatment of morbid obesity.”

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SECTION 2.

All contracts relating to the provision of health care services in effect on July 1, 1998, shall be appropriately adjusted to reflect any change in services provided as required by this Act.

SECTION 3.

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

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

Senator Langford of the 29th offered the following substitute to SB 490:

A BILL

To be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, so as to require health insurers to offer comprehensive medical or surgical coverage for the treatment of morbid obesity patients when said treatment is ordered, conducted, or supervised by health care providers specializing in the management of patients so afflicted; to provide for a short title; to provide for legislative findings; to provide definitions; to provide for the issuance of rules and regulations by the Commissioner of Insurance; to provide for adjustment of current contracts; to amend Article 2 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to the assessment of proposed accident and sickness insurance coverage, so as to relieve the Commissioner of Insurance of certain duties; to provide that the state auditor shall perform such duties; to provide that any amendment or substitute to a health insurance bill shall be accompanied by a report showing the financial effect upon the bill; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to insurance generally, is amended by adding at the end thereof the following:

“33-24-59.1.

(a) This Code section shall be known and may be cited as the ‘Morbid Obesity Anti-discrimination Act.’

(b) The General Assembly finds and declares that:

(1) Whereas many health care insurers cover the costs of treatment for patients diagnosed as morbidly obese by their physicians, many other insurers refuse to cover such costs;

(2) There is sufficient scientific data that implicate morbid obesity as the cause of many other medical problems and costly health complications, such as diabetes, hypertension, heart disease, and stroke. These data indirectly question the safety and appropriateness of the continued refusal of some insurers to cover the medically indicated treatment of the morbidly obese patient. The association of morbid obesity with the aforementioned devastating diseases refutes any claim of a purely cosmetic indication for the treatment of morbid obesity and clearly designates morbid obesity as a life-threatening disease;

(3) The cost of managing the complications of morbid obesity, largely due to inadequate treatment, far outweighs the cost of expeditious, effective medical treatment. Therefore, insurers who continue to refuse to pay for the primary treatment of morbid obesity are contributing to the high cost of management of secondary complications;

(4) Guidelines developed by the National Institute of Health, the American Society for Bariatric Surgery, the American Obesity Association, and Shape Up America and embraced by the American Medical Association and the American College of Surgeons recommend that patients who are morbidly obese receive responsible, affordable medical treatment for their obesity; and

(5) The diagnosis of morbid obesity should be a clinical decision made by a physician based on the guidelines set by the appropriate health and medical associations and organizations. The treatment modality should also be a clinical decision made by the physician based on set guidelines.

(c)(1) As used in this Code section, the term:

(A) 'Health benefit policy' means any individual or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state which provides major medical benefits, including those contracts executed by the State of Georgia on behalf of indigents and on behalf of state employees under Article 1 of Chapter 18 of Title 45, by a health care corporation, health maintenance organization, preferred provider organization, accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, or other insurer or similar entity.

(B) 'Health care providers' means those physicians and medical institutions that are specifically qualified to treat in a comprehensive manner the entire complex of illness and disease associated with morbid obesity.

(C) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital service corporation, medical service corporation, health care corporation, health maintenance organization, or any similar entity authorized to issue contracts under this title and also means any state program funded under Title XIX of the federal Social Security Act, 42 U.S.C.A. Section 1396 et seq., and any other publicly funded state health care program.

(D) 'Morbid obesity' means a weight which is at least 100 pounds over or twice the ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan Life Insurance tables. Morbid obesity also means a body mass index (BMI) equal to or greater than 35 kilograms per meter squared with comorbidity or coexisting medical conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes or a BMI of 40 kilograms per meter squared without such comorbidity. BMI equals weight in kilograms divided by height in meters squared.

(2) Every health benefit policy that is delivered, issued, executed, or renewed in this state or approved for issuance or renewal in this state by the Commissioner on or after July 1, 1998, which provides major medical benefits shall offer coverage for the treatment of morbid obesity.

(d) The Commissioner of Insurance shall adopt rules and regulations necessary to implement the provisions of this Code section in collaboration with the Division of Public Health of the Department of Human Resources and in compliance with current guide-

lines established by professional medical organizations relating to the treatment of morbid obesity.”

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SECTION 2.

Article 2 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to the assessment of proposed accident and sickness insurance coverage, is amended by striking in its entirety Article 2, the “Assessment of Proposed Accident and Sickness Insurance Coverage Act,” and inserting in lieu thereof the following:

“ARTICLE 2

33-24-60.

This article shall be known and may be cited as the ‘Assessment of Proposed Accident and Sickness Insurance Coverage Act.’

33-24-61.

It is the intent of the General Assembly to encourage health care cost containment while preserving the quality of care offered to citizens of this state. The General Assembly finds that there is an increasing number of proposals which mandate that certain health insurance benefits be provided by insurers as components of individual and group accident and sickness insurance policies. The General Assembly further finds that many of these health insurance benefits provide beneficial social and health consequences which maybe in the public interest. However, the General Assembly also recognizes that most mandated health insurance benefits contribute to the increasing cost of accident and sickness insurance premiums. Therefore, it is the intent of the General Assembly to conduct a systematic review of proposed mandated or mandatorily offered health insurance benefits and to establish guidelines for such a review. This review will assist the General Assembly in determining whether mandating a certain health insurance benefit is in the public interest.

33-24-62.

As used in this article, the term ‘health insurance benefit bill’ means any legislative proposal which either mandates the inclusion of certain benefits, coverages, or reimbursements for covered health care services in accident and sickness insurance policies or provides for the mandatory offering of such benefits, coverages, or reimbursements in accident and sickness insurance policies.

33-24-63.

(a) Every health insurance benefit bill, to be determined by the presiding officer of the House of Representatives or the Senate, shall be subject to review by the General Assembly prior to enactment as provided in this article. The Clerk of the House or the Secretary of the Senate shall deliver such bill or bills to the ~~Commissioner of Insurance~~ state auditor within five days after such legislation has been read for the first time.

(b) The ~~Commissioner of Insurance~~ state auditor shall issue a report on each health insurance benefit bill which assesses, if possible, the financial effects of the health insurance benefit proposed in such bill. The ~~Commissioner~~ state auditor, upon completion of said report, shall deliver a copy thereof to the Governor and to the presiding officer of both houses of the General Assembly.

33-24-64.

The report required under Code Section 33-24-63 for assessing the impact of a health insurance benefit bill shall address the financial impact of such legislation by ob-

taining, at the minimum and to the extent that the information is available, the following:

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- (1) To what extent will the benefit increase or decrease the cost of the treatment or service;
- (2) To what extent will the benefit increase the appropriate uses of the treatment or service;
- (3) To what extent will the benefit be a substitute for a more expensive treatment or service;
- (4) To what extent will the benefit increase or decrease the administrative expense of insurers or premium of the policyholders; and
- (5) The impact of this coverage on the total cost of insurance premiums or health care to health insurance policyholders, including the impact of all indirect costs, which are costs other than premiums and administrative costs, on the question of benefit costs and benefits of coverage.

33-24-65.

The ~~Commissioner of Insurance~~ state auditor, upon receiving a certified copy from the Clerk of the House or the Secretary of the Senate of the bill or bills as provided in Code Section 33-24-63, may in his or her discretion convene a public hearing within ten calendar days after receipt in order to obtain any information necessary to allow the ~~Commissioner~~ state auditor a basis upon which to prepare the report required by this article. If the ~~Commissioner~~ state auditor convenes a public hearing, he or she shall give such notice as is reasonable under the circumstances and, in all other respects, shall conduct such hearing in accordance with Chapter 2 of this title.

33-24-66.

(a) The ~~Commissioner~~ state auditor shall compile all evidence, testimony, and information necessary to prepare the report required by Code Section 33-24-63. The ~~Commissioner~~ state auditor may include in this report studies, reviews, or evaluations of similar legislation completed by other states or any department of the government of the United States of America and any evaluations performed by the staff of the Insurance Department.

(b) Within 20 days of the date of receipt of the health insurance benefit bill, the ~~Commissioner~~ state auditor shall issue the report required in Code Section 33-24-63. If a public hearing was conducted, the report shall contain a concise statement of the information revealed at the public hearing and may include copies of any document or documents presented at the public hearing and any other information deemed necessary by the ~~Commissioner~~ state auditor.

33-24-67.

(a) No health insurance bill which has been amended and no substitute bill offered to a health insurance bill shall be considered by either house of the General Assembly except as provided in this Code section.

(b) If a committee adopts a substitute or an amendment to a health insurance bill, the chairperson of the committee shall submit the amendment or substitute to the state auditor before the bill is reported to the body. The state auditor shall, as soon as practicable after receiving any such substitute or amendment, issue a report assessing the financial effect of the amendment on the bill.

~~(c) Any person desiring to offer an amendment or a substitute bill to a health insurance bill from the floor of a house of the General Assembly shall obtain a report from the state auditor assessing the effect of the substitute on the bill and shall present such report at the time he or she offers the amendment or substitute. The Commissioner shall promulgate all rules and regulations necessary or appropriate to the administration and enforcement of this article."~~

SECTION 3.

All contracts relating to the provision of health care services in effect on July 1, 1998, shall be appropriately adjusted to reflect any change in services provided as required by Section 1 of this Act.

SECTION 4.

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

Senator Walker of the 22nd requested a ruling by the Chair as to the germaneness of the Langford substitute.

The President Pro Tempore ruled the substitute not germane.

Senator Langford of the 29th appealed the ruling of the Chair. Senator Langford then asked unanimous consent that his appeal be withdrawn. The consent was granted, and the appeal was withdrawn.

Senator Thomas of the 10th moved the previous question.

On the motion the yeas were 24, nays 15, and the previous question was ordered.

On the adoption of the committee substitute, the President Pro Tempore ordered a roll call and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
EX Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	N Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Perdue(PRS)	

On the adoption of the substitute, the yeas were 49, nays 1, and the committee substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
N Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
EX Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
N Burton	Y Johnson,D	Y Stokes
N Cagle	Y Johnson,E	Y Streat
Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 47, nays 3.

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

Senator Brown of the 26th moved that Senator Burton of the 5th be excused. On the motion, the yeas were 34, nays 0; the motion prevailed, and Senator Burton was excused.

Senator Land of the 16th moved that Senator Hooks of the 14th be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Hooks was excused.

The Calendar was resumed.

SR 627. By Senators Johnson of the 1st and Johnson of the 2nd:

A resolution authorizing the granting of an easement for operation and maintenance of a food service operation upon certain limiting conditions during the balance of the term of that River Yacht Club Marina in, on, over, under, and upon a certain tract of property owned by the State of Georgia in Chatham County, Georgia.

The Senate Finance and Public Utilities Committee offered the following substitute to SR 627:

A BILL

To be entitled an Act granting an easement for operation and maintenance of a food service operation upon certain limiting conditions during the balance of the term of that certain leasehold and any renewals thereof held by Bull River Yacht Club Marina in, on, over, under, and upon a certain tract of property owned by the State of Georgia in Chatham County, Georgia; to provide an effective date; to repeal conflicting laws; and for other purposes.

WHEREAS, the State of Georgia is the owner of certain real property located in Chatham County, Georgia, hereinafter described; and

WHEREAS, Bull River Yacht Club Marina was, pursuant to the “grandfathering” provisions of subsection (g) of Code Section 12-5-287, granted a marina lease dated March 19, 1992, by the Coastal Marshlands Protection Committee for the operation of a marina facility upon the property hereinafter described, which said lease is recorded in the deed records of Chatham County, Georgia, in Deed Book 154-J, at page 278, and is for a term of 20 years ending at midnight on the last day of February, 2019, at a rental of \$1.00 per year (hereinafter referred to as “the leasehold”); and

WHEREAS, the Bull River Yacht Club Marina desires to operate a limited food service operation for the convenience and needs of its boating and other customers ancillary to the marina, but due to the terrain, location, and site conditions of the adjacent high ground, the marina is unable to locate the limited food service operation anywhere other than on the dock of the marina which is a part of the aforesaid leasehold property.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

That the State of Georgia is the owner of the hereinafter described real property in Chatham County, in the custody of the Department of Natural Resources, hereinafter referred to as the “easement area.”

SECTION 2.

That the State of Georgia hereby grants to Bull River Yacht Club Marina, or its successors and assigns, an easement for the construction, operation, and maintenance of a limited food service operation in, on, and upon the easement area for and during the term of the leasehold and any renewals thereof together with the right of ingress and egress over adjacent land of the State of Georgia as may be reasonably necessary to accomplish the aforesaid purposes. Said easement area is located in Chatham County, Georgia, and is more particularly described as follows:

All that tract or parcel of land consisting of 6.5+ acres of marshlands and/or water bottoms or a combination thereof located, lying and being in Chatham County, Georgia, and being more particularly shown on a plat of survey by John S. Kern, Georgia Registered Surveyor No. 2152, dated January, 1991, and entitled “Bull River Marina & Yacht Club”, a copy of which is recorded in Plat Book 11, at page 166, in the Office of the Clerk of the Superior Court of Chatham County, Georgia.

SECTION 3.

That the limited food service operation to be located on the above-described easement area shall be for the convenience and needs of the marina’s boating and other customers and shall be limited by the following criteria:

- (1) The first floating docks of the marina shall be located at least 100 yards from the high ground;
- (2) There shall be permanent seating for not more than 35 persons;
- (3) No additional fixed or floating dock may be constructed solely for the purpose of constructing, remodeling, operating, or enhancing the food service operation;
- (4) All cooking must be done on an outdoor grill rather than in a closed kitchen;
- (5) The limited food service operation facility must have restrooms already permitted on the dock and must be hooked up to a municipal water and sewer service;

(6) If additional high ground is acquired by the same parties which own the marina and it is feasible to move or relocate the food service operation to the high ground, the facility will be moved;

(7) The primary goal of the limited food service operation shall be to serve boaters and other persons who wish to dine over the water ancillary to the operation of the marina and not for the sole purpose of operating a restaurant facility; and

(8) All aspects of the limited food service operation shall be fully licensed, permitted, and approved by all applicable federal, state, and local governing bodies, except, however, that no specific permit from the Coastal Marshlands Protection Committee pursuant to Code Section 12-5-286 shall be required for the limited food service operation in addition to the lease dated March 19, 1992.

SECTION 4.

That, after the Bull River Yacht Club Marina has put into use the limited food service operation for which this easement is granted, a subsequent abandonment of the use thereof shall cause a reversion to the State of Georgia, or its successors and assigns, of all the rights, title, privileges, and powers under the easement granted herein only and not of the leasehold unless the leasehold is also abandoned.

SECTION 5.

That the consideration for such easement shall be \$10.00 and such amount shall be paid to the State Properties Commission to be deposited into the state treasury.

SECTION 6.

That this grant of easement shall be recorded by the grantee in the Superior Court of Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 7.

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

SECTION 8.

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

Senators Johnson of the 1st and Oliver of the 42nd offered the following substitute to SR 627:

A RESOLUTION

Authorizing the granting of an easement for operation and maintenance of a food service operation upon certain limiting conditions during the balance of the term of that certain leasehold and any renewals thereof held by Bull River Yacht Club Marina in, on, over, under, and upon a certain tract of property owned by the State of Georgia in Chatham County, Georgia; to repeal conflicting laws; and for other purposes.

WHEREAS, the State of Georgia is the owner of certain real property located in Chatham County, Georgia, hereinafter described; and

WHEREAS, Bull River Yacht Club Marina was, pursuant to the "grandfathering" provisions of subsection (g) of Code Section 12-5-287, granted a marina lease dated March 19, 1992, by the Coastal Marshlands Protection Committee for the operation of a marina facility upon the property hereinafter described, which said lease is recorded in the deed records of Chatham County, Georgia, in Deed Book 154-J, at page 278, and is for a term

of 20 years ending at midnight on the last day of February, 2019, at a rental of \$1.00 per year (hereinafter referred to as "the leasehold"); and

WHEREAS, the Bull River Yacht Club Marina has operated a nonconforming food service operation which has been discovered to be in operation without necessary permits required by law but the nonconforming operation has continued without intervention by the Department of Natural Resources.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

That the State of Georgia is the owner of the hereinafter described real property in Chatham County, Georgia, in the custody of the Department of Natural Resources.

SECTION 2.

That the State of Georgia notifies and confirms the lease dated March 19, 1992, recorded in Deed Book 154-J at Page 278 of the records of the clerk of the Superior Court of Chatham County for the term and the uses therein stated and permits the continuance of the existing nonconforming food service operation on and upon the marina property during the term of the lease with the right of ingress and egress over adjacent land of the State of Georgia as may be absolutely necessary to accomplish the aforesaid purposes. The lands concerned are in Chatham County, Georgia, and are described as follows:

All that tract or parcel of land consisting of 6.5± acres of marshlands and/or water bottoms or a combination thereof located, lying and being in Chatham County, Georgia, and being more particularly shown on a plat of survey by John S. Kern, Georgia Registered Surveyor No. 2152, dated January, 1991, and entitled "Bull River Marina & Yacht Club", a copy of which is recorded in Plat Book 11, at page 166, in the Office of the Clerk of the Superior Court of Chatham County, Georgia.

SECTION 3.

That the nonconforming food service operation located on the above-described leased property shall be for the convenience and needs of the boating customers of the marina and such others as may be served through the existing nonconforming facilities without enlargement or addition subject to the following limiting criteria:

- (1) The first floating docks of the marina shall be located at least 100 yards from high ground at the limit of the marshland;
- (2) There shall be a permanent seating facility for no more than 35 persons and the food service space and its equipment shall not be enlarged for the term of the marina lease;
- (3) No additional fixed or floating dock may be constructed solely for the purpose of constructing, remodeling, operating, or enhancing the food service operation;
- (4) All cooking must be done on an outdoor grill rather than in a closed kitchen;
- (5) The nonconforming food service operation facility must have restrooms already permitted on the dock and must continue to be connected to a municipal water and sewer service;
- (6) If additional high lands are acquired by the lessee currently operating the marina by any means and for any purpose, the nonconforming food service shall be removed from the leased property to the newly acquired area if feasible. Any presumption shall operate in favor of moving the nonconforming use;

(7) The primary goal of the nonconforming food service operation shall be to serve boaters and other persons who wish to dine over the water ancillary to the operation of the marina and not for the sole purpose of operating a restaurant facility; and

(8) All aspects of the nonconforming food service operation shall be fully licensed, permitted, and approved by all applicable federal, state, and local governing bodies.

SECTION 4.

That, upon the continuance of nonconforming food service operation as permitted in Section 2 of this resolution, a subsequent abandonment or destruction of the nonconforming use shall operate to terminate the permitted use and such privilege shall revert to the State of Georgia and the custody of the Department of Natural Resources or its successor insofar as the nonconforming food service operation is concerned but the leasehold without the food service shall continue for the duration of the lease unless the marina operation shall also be abandoned. The continued nonconforming use permitted herein shall not be duplicated elsewhere in the protected marshes and no such nonconforming use shall be permitted or allowed, regardless of the circumstances over any marshland as defined in Code Section 12-5-282, and the term "marina operation" shall not include restaurant or food service.

SECTION 5.

That the easement granted to Bull River Yacht Club Marina shall contain such other reasonable terms, conditions, and covenants as the State Properties Commission shall deem in the best interest of the State of Georgia and that the State Properties Commission is authorized to use a more accurate description of the easement area, so long as the description utilized by the State Properties Commission describes the same easement area herein granted.

SECTION 6.

That the consideration to be paid for the continued nonconforming privilege shall be \$10.00 to be paid to the State Properties Commission to be deposited in the state treasury.

SECTION 7.

That this grant of easement shall be recorded by the grantee in the Superior Court of Chatham County and a recorded copy shall be forwarded to the State Properties Commission.

SECTION 8.

That the authorization in this resolution to grant the above-described easement to Bull River Yacht Club Marina shall expire three years after the date that this resolution becomes effective.

SECTION 9.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect the grant of the easement area.

SECTION 10.

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

On the adoption of the committee substitute, which takes precedence, the yeas were 32, nays 0, and the committee substitute was adopted.

The Johnson of the 1st, Oliver substitute was moot.

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, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
EX	Broun, 46th	EX	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James		Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp		Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
EX	Gochenour		Perdue(PRS)		

On the adoption of the resolution, the yeas were 47, nays 0.

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

Senator Dean of the 31st moved that the Senate adjourn, pursuant to HR 1165, until 10:00 A.M. Thursday, March 5th; the motion prevailed, and at 3:50 P.M., the President Pro Tempore announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Thursday, March 5, 1998
Thirty-second Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

Senator Gillis of the 20th moved that the Senate reconsider its action in defeating the following bill:

HB 1352. By Representative Lane of the 146th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain definitions; to change provisions relative to the saltwater separation point; to change certain provisions relating to identification of boats taking shrimp; to provide for a recreational fishing license for all waters of this state.

On the motion, the yeas were 34, nays 3; the motion prevailed, and HB 1352 was reconsidered and placed on the Senate General Calendar.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1630. By Representatives Orrock of the 56th, Ashe of the 46th, Irvin of the 45th and others:

A bill to amend the "Atlanta Urban Enterprise Zone Act," so as to change provisions relating to the duration of zones created for mixed use residential and commercial purposes.

HB 1792. By Representative Massey of the 86th:

A bill to amend an Act re-creating the Board of Commissioners of Barrow County, so as to change the provisions relating to the compensation of the chairperson and members of the board of commissioners.

HB 1793. By Representative Skipper of the 137th:

A bill to amend an Act providing for the election of the Sumter County Board of Education, so as to provide for the election of the members of the board in nonpartisan elections without prior nonpartisan primaries.

HB 1801. By Representatives Mueller of the 152nd, Pelote of the 149th, Thomas of the 148th and others:

A bill to amend an Act providing for the compensation of certain officials in Chatham County, so as to change the compensation of the coroner.

HB 1809. By Representatives DeLoach of the 172nd, Tillman of the 173rd, Barnard of the 154th and others;

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A bill to provide that no constitutional officer of Liberty County shall receive a fee, commission, or other compensation for the discharge of the duties of his or her office other than the salaries authorized by law.

HB 1810. By Representatives DeLoach of the 172nd, Tillman of the 173rd, Barnard of the 154th and others:

A bill to amend an Act entitled "An Act creating the office of tax commissioner of Liberty County," so as to change the method of compensating the tax commissioner.

HB 1116. By Representatives Golden of the 177th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of Georgia taxable net income, so as to provide for a deduction with respect to certain health insurance costs of self-employed individuals.

HB 1088. By Representatives Stallings of the 100th and West of the 101st:

A bill to amend Code Section 47-2-264 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia by secretaries of superior court judges and district attorneys, so as to provide for creditable service for certain prior service.

HB 1103. By Representative Cummings of the 27th:

A bill to amend Code Section 47-2-96.1 of the Official Code of Georgia Annotated, relating to creditable service in the Employees' Retirement System of Georgia for certain prior service, so as to authorize up to ten years of creditable service for certain temporary full-time employment by the legislative branch of state government.

HB 862. By Representative Harbin of the 113th:

A bill to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt policies and contracts of insurance issued by insurers who do not use independent agents from certain countersignature requirements.

HB 1641. By Representative Barnes of the 33rd:

A bill to amend Code Section 51-1-29.1 of the Official Code of Georgia Annotated, relating to liability of voluntary health care providers and sponsoring organizations, so as to provide for an exemption from liability under certain circumstances for chiropractors who provide voluntary health care services.

HB 1620. By Representative Lord of the 121st:

A bill to amend Code Section 33-34-3 of the Official Code of Georgia Annotated, relating to requirements for issuance of motor vehicle liability insurance policies, so as to provide for certain policy issuance, renewal, continuation, or replacement reporting requirements; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of drivers' licenses.

HB 1674. By Representative Martin of the 47th:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to authorize the Family Court Division of the Superior Court of Fulton County in the Atlanta Judicial Circuit as a pilot project of limited duration.

HB 1593. By Representatives Twiggs of the 8th, Murphy of the 18th, Whitaker of the 7th and others:

A bill to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil erosion and sedimentation, so as to provide for certain changes in definitions and methods of granting variances applicable to the buffer requirement for trout streams and other streams.

HB 1592. By Representatives Twiggs of the 8th, Murphy of the 18th, Whitaker of the 7th and others:

A bill to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to provide that neither the Department of Natural Resources nor the Board of Natural Resources may condition consideration or granting of any application for a permit, license, or variance on any provision of any property or thing of value.

HB 155. By Representative Dobbs of the 92nd:

A bill to amend Chapter 2 of Title 22 of the Official Code of Georgia Annotated, relating to condemnation procedures generally, so as to establish qualifications and payment for assessors; to provide for award of reasonable expenses in condemnation cases; to repeal the provisions relating to special matters in condemnation cases; to amend Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated.

HB 1667. By Representative Bordeaux of the 151st:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, so as to change certain provisions regarding tax credits for existing manufacturing facilities or manufacturing support facilities in tier 1 counties.

HB 946. By Representatives Smith of the 19th, Irvin of the 45th, Mann of the 5th and others:

A bill to amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to the merit system generally, so as to require certain state officers and employees to present proof of having registered with the Selective Service System or of being exempt from such registration; to provide for ineligibility for office and employment by the state and for employment termination.

SB 644. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to amend Code Section 28-2-2 of the Official Code of Georgia Annotated, relating to apportionment and qualifications for the Senate, so as to provide for the description of Senate districts 3 and 6; to provide for related matters; to provide for effective dates and for applicability.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

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HR 1066. By Representatives Smith of the 103rd, Benefield of the 96th, Walker of the 141st and others:

A resolution creating the Joint Highway Safety Study Committee.

HR 931. By Representatives Porter of the 143rd, Coleman of the 142nd and Barfoot of the 155th:

A resolution designating State Highway 19 in Laurens County as "The Captain Bobbie Brown Highway"

HR 1097. By Representatives Scarlett of the 174th and Tillman of the 173rd:

A resolution commending Davis Love III and designating a portion of I-95 as the "Davis Love III Highway"

HR 1000. By Representatives Mobley of the 69th, Teague of the 58th, McClinton of the 68th and others:

A resolution requesting the Governor to declare May, 1998, as Stroke Awareness Month in Georgia; creating the Joint Study Committee on the Impact of Strokes on Georgia's Citizens.

HR 1101. By Representative Poag of the 6th:

A resolution designating a portion of State Highway 136 in Murray County as "C. W. Bradley Highway"

HR 1102. By Representative Poag of the 6th:

A resolution honoring Mr. Charles A. Pannell, Sr., and designating a portion of State Highway 61 as the "Charles A. Pannell, Sr., Highway"

HR 1092. By Representatives Brown of the 130th, Epps of the 131st and Smith of the 102nd

A resolution designating a certain portion of Interstate Highway 85 as the Pearl Harbor Memorial Highway.

The following bills were introduced, read the first time and referred to committees:

SB 706. By Senators Dean of the 31st and Marable of the 52nd:

A bill to amend Part 1 of Article 3 of Chapter 6 of Title 32 of the Official Code of Georgia Annotated, relating to control of road signs and signals, so as to change provisions relating to uniform regulations governing erection and maintenance of traffic-control devices; to provide for related matters; to provide an effective date.

Referred to Committee on Transportation.

SB 707. By Senator Ralston of the 51st:

A bill to amend an Act providing a new charter for the City of Ball Ground, as amended, so as to change the corporate limits of the city.

Referred to Committee on State and Local Governmental Operations.

SB 708. By Senators Ray of the 48th, Tysinger of the 41st, Burton of the 5th and others;

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A bill to amend an Act to provide an exemption from Gwinnett County School District ad valorem taxes for the full value of the homestead of each resident of the Gwinnett County School District who is 65 years of age or over or who is disabled and who meets certain conditions, terms, and requirements for such exemption.

Referred to Committee on State and Local Governmental Operations.

The following bills were read the first time and referred to committees:

HB 155. By Representative Dobbs of the 92nd:

A bill to amend Chapter 2 of Title 22 of the Official Code of Georgia Annotated, relating to condemnation procedures generally, so as to establish qualifications and payment for assessors; to provide for award of reasonable expenses in condemnation cases; to repeal the provisions relating to special matters in condemnation cases; to amend Article 1 of Chapter 3 of Title 32 of the Official Code of Georgia Annotated.

Referred to Committee on Finance and Public Utilities.

HB 862. By Representative Harbin of the 113th:

A bill to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to exempt policies and contracts of insurance issued by insurers who do not use independent agents from certain countersignature requirements.

Referred to Committee on Insurance and Labor.

HB 946. By Representatives Smith of the 19th, Irvin of the 45th, Mann of the 5th and others:

A bill to amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to the merit system generally, so as to require certain state officers and employees to present proof of having registered with the Selective Service System or of being exempt from such registration; to provide for ineligibility for office and employment by the state and for employment termination.

Referred to Committee on Defense and Veterans Affairs.

HB 1088. By Representatives Stallings of the 100th and West of the 101st:

A bill to amend Code Section 47-2-264 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia by secretaries of superior court judges and district attorneys, so as to provide for creditable service for certain prior service.

Referred to Committee on Retirement.

HB 1103. By Representative Cummings of the 27th:

A bill to amend Code Section 47-2-96.1 of the Official Code of Georgia Annotated, relating to creditable service in the Employees' Retirement System of Georgia for certain prior service, so as to authorize up to ten years of credita-

ble service for certain temporary full-time employment by the legislative branch of state government.

Referred to Committee on Retirement.

HB 1116. By Representatives Golden of the 177th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of Georgia taxable net income, so as to provide for a deduction with respect to certain health insurance costs of self-employed individuals.

Referred to Committee on Finance and Public Utilities.

HB 1592. By Representatives Twiggs of the 8th, Murphy of the 18th, Whitaker of the 7th and others:

A bill to amend Title 12 of the Official Code of Georgia Annotated, relating to conservation and natural resources, so as to provide that neither the Department of Natural Resources nor the Board of Natural Resources may condition consideration or granting of any application for a permit, license, or variance on any provision of any property or thing of value.

Referred to Committee on Natural Resources.

HB 1593. By Representatives Twiggs of the 8th, Murphy of the 18th, Whitaker of the 7th and others:

A bill to amend Chapter 7 of Title 12 of the Official Code of Georgia Annotated, relating to control of soil erosion and sedimentation, so as to provide for certain changes in definitions and methods of granting variances applicable to the buffer requirement for trout streams and other streams.

Referred to Committee on Natural Resources.

HB 1620. By Representative Lord of the 121st:

A bill to amend Code Section 33-34-3 of the Official Code of Georgia Annotated, relating to requirements for issuance of motor vehicle liability insurance policies, so as to provide for certain policy issuance, renewal, continuation, or replacement reporting requirements; to amend Article 3 of Chapter 5 of Title 40 of the Official Code of Georgia Annotated, relating to cancellation, suspension, and revocation of drivers' licenses.

Referred to Committee on Judiciary.

HB 1630. By Representatives Orrock of the 56th, Ashe of the 46th, Irvin of the 45th and others:

A bill to amend the "Atlanta Urban Enterprise Zone Act," so as to change provisions relating to the duration of zones created for mixed use residential and commercial purposes.

Referred to Committee on State and Local Governmental Operations.

HB 1641. By Representative Barnes of the 33rd:

A bill to amend Code Section 51-1-29.1 of the Official Code of Georgia Annotated, relating to liability of voluntary health care providers and sponsoring

organizations, so as to provide for an exemption from liability under certain circumstances for chiropractors who provide voluntary health care services.

Referred to Committee on Health and Human Services.

HB 1667. By Representative Bordeaux of the 151st:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, so as to change certain provisions regarding tax credits for existing manufacturing facilities or manufacturing support facilities in tier 1 counties.

Referred to Committee on Finance and Public Utilities.

HB 1674. By Representative Martin of the 47th:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to authorize the Family Court Division of the Superior Court of Fulton County in the Atlanta Judicial Circuit as a pilot project of limited duration.

Referred to Committee on Special Judiciary.

HB 1792. By Representative Massey of the 86th:

A bill to amend an Act re-creating the Board of Commissioners of Barrow County, so as to change the provisions relating to the compensation of the chairperson and members of the board of commissioners.

Referred to Committee on State and Local Governmental Operations.

HB 1793. By Representative Skipper of the 137th:

A bill to amend an Act providing for the election of the Sumter County Board of Education, so as to provide for the election of the members of the board in nonpartisan elections without prior nonpartisan primaries.

Referred to Committee on State and Local Governmental Operations.

HB 1801. By Representatives Mueller of the 152nd, Pelote of the 149th, Thomas of the 148th and Stephens of the 150th:

A bill to amend an Act providing for the compensation of certain officials in Chatham County, so as to change the compensation of the coroner.

Referred to Committee on State and Local Governmental Operations.

HB 1809. By Representatives DeLoach of the 172nd, Tillman of the 173rd and Barnard of the 154th:

A bill to provide that no constitutional officer of Liberty County shall receive a fee, commission, or other compensation for the discharge of the duties of his or her office other than the salaries authorized by law.

Referred to Committee on State and Local Governmental Operations.

HB 1810. By Representatives DeLoach of the 172nd, Tillman of the 173rd and Barnard of the 154th:

A bill to amend an Act entitled "An Act creating the office of tax commissioner of Liberty County," so as to change the method of compensating the tax commissioner.

Referred to Committee on State and Local Governmental Operations.

HR 931. By Representatives Porter of the 143rd, Coleman of the 142nd and Barfoot of the 155th:

A resolution designating State Highway 19 in Laurens County as "The Captain Bobbie Brown Highway"

Referred to Committee on Transportation.

HR 1000. By Representatives Mobley of the 69th, Teague of the 58th, McClinton of the 68th and others:

A resolution requesting the Governor to declare May, 1998, as Stroke Awareness Month in Georgia; creating the Joint Study Committee on the Impact of Strokes on Georgia's Citizens.

Referred to Committee on Rules.

HR 1066. By Representatives Smith of the 103rd, Benefield of the 96th, Walker of the 141st and others:

A resolution creating the Joint Highway Safety Study Committee.

Referred to Committee on Rules.

HR 1092. By Representatives Brown of the 130th, Epps of the 131st and Smith of the 102nd:

A resolution designating a certain portion of Interstate Highway 85 as the Pearl Harbor Memorial Highway.

Referred to Committee on Transportation.

HR 1097. By Representatives Scarlett of the 174th and Tillman of the 173rd:

A resolution commending Davis Love III and designating a portion of I-95 as the "Davis Love III Highway".

Referred to Committee on Transportation.

HR 1101. By Representative Poag of the 6th:

A resolution designating a portion of State Highway 136 in Murray County as "C. W. Bradley Highway"

Referred to Committee on Transportation.

HR 1102. By Representative Poag of the 6th:

A resolution honoring Mr. Charles A. Pannell, Sr., and designating a portion of State Highway 61 as the "Charles A. Pannell, Sr., Highway"

Referred to Committee on Transportation.

Senator Hill of the 4th moved that Senator Oliver of the 42nd be excused. On the motion, the yeas were 29, nays 1; the motion prevailed, and Senator Oliver was excused.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Agriculture has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1242. Do pass.

HB 1253. Do pass by substitute.

HB 1490. Do pass.

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Respectfully submitted,

Senator Ragan of the 11th District, Chairman

Mr. President:

The Committee on Defense and Veterans Affairs has had under consideration the following resolution of the House and has instructed me to report the same back to the Senate with the following recommendation:

HR 996. Do pass by substitute.

Respectfully submitted,

Senator Harbison of the 15th District, Chairman

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1094. Do pass.

HB 1474. Do pass by substitute.

HB 1143. Do pass.

HB 1513. Do pass.

HB 1324. Do pass.

HB 1522. Do pass as amended.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Higher Education has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1552. Do pass.

Respectfully submitted,

Senator Hill of the 4th District, Chairman

Mr. President:

The Committee on Public Safety has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1425. Do pass by substitute.

Respectfully submitted,

Senator Bowen of the 13th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 203. Do pass.

HB 1082. Do pass.

HB 751. Do pass.

Respectfully submitted,

Senator Cheeks of the 23rd District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 162. Do pass.	HB 1762. Do pass.
SB 695. Do pass.	HB 1763. Do pass.
HB 1756. Do pass.	HB 1764. Do pass.
HB 1757. Do pass.	HB 1767. Do pass.
HB 1759. Do pass.	HB 1768. Do pass.
HB 1760. Do pass.	HB 1772. Do pass by substitute.
HB 1761. Do pass.	HB 1773. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

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

HR 292. Do pass.	HR 955. Do pass.
HR 812. Do pass.	HR 1031. Do pass.
HR 954. Do pass.	HR 1111. Do pass by substitute.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

The following bills and resolutions were read the second time:

SB 412	SB 430	SB 441	SB 466	SB 491	SB 498
SB 524	SB 603	SB 605	SB 638	SB 639	SB 666
SB 669	SB 670	SB 671	SB 688	SB 693	SB 694
SB 698	SB 700	SR 612	SR 703	HB 942	HB 1086
HB 1226	HB 1254	HB 1360	HB 1372	HB 1388	HB 1496
HB 1532	HB 1633				

Senator Marable of the 52nd moved that Senator Henson of the 55th be excused. On the motion, the yeas were 36, nays 1; the motion prevailed, and Senator Henson was excused.

Senator Dean of the 31st moved that Senator Thompson of the 33rd be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Thompson was excused.

The President called for the morning roll call, and the following Senators answered to their names:

Balfour	Clay	Griffin
Blitch	Crotts	Guhl
Boshears	Dean	Harbison
Bowen	Egan	Hill
Broun, 46th	Fort	Hooks
Brown, 26th	Gillis	Huggins
Burton	Glanton	James
Cagle	Gochenour	Johnson,D
Cheeks		Johnson,E

Kemp	Price,R	Stokes
Lamutt	Price,T	Streat
Land	Ragan	Tanksley
Langford	Ralston	Taylor
Madden	Ray	Thomas,D
Marable	Roberts	Turner
Middleton	Scott	Tysinger
Perdue	Starr	

Those not answering were:

Abernathy	Oliver (excused)	Walker
Brush	Thomas,N	
Henson (excused)	Thompson (excused)	

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

Senator Perdue of the 18th, President Pro Tempore, led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Broun of the 46th introduced the chaplain of the day, Reverend Jerry Hutchins, Pastor of Timothy Road Baptist Church, Athens, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 716. By Senators Hill of the 4th and Dean of the 31st:

A resolution expressing regret at the passing of Mayor Sanford E. Hershey, Sr.

SR 717. By Senator Brush of the 24th:

A resolution commending Ms. Beverly Thomas.

SR 718. By Senators Thompson of the 33rd, Lamutt of the 21st and Clay of the 37th:

A resolution commending Heather Cox.

SR 719. By Senator Bowen of the 13th:

A resolution recognizing the Slosheye Trail Big Pig Jig as the state's Official Barbecue Cooking Contest.

SR 720. By Senator Cheeks of the 23rd:

A resolution commending the New Zion Missionary Baptist Church on its 100th anniversary.

SR 721. By Senator Cheeks of the 23rd:

A resolution recognizing the concierge staff of the Atlanta Marriott Marquis, Yvonne Jamison, Thomas Austin, Jared Davenport, Carlton Inman, Jennie Mickens, Tom Rawls, Vickie Rayford, Phyllis Striders, and Cynthia Welch.

SR 722. By Senator Middleton of the 50th:

A resolution honoring Margie Weaver.

Senator Langford of the 29th moved that the following bill be withdrawn from the Judiciary Committee and committed to the Insurance and Labor Committee:

HB 1327. By Representatives Smith of the 109th, Howard of the 118th, Bannister of the 77th and Martin of the 47th:

A bill to amend Code Section 24-3-18 of the Official Code of Georgia Annotated, relating to the admissibility of medical reports, so as to provide that the provisions of said Code section shall not be applicable to workers' compensation claims; to amend Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to workers' compensation, so as to provide for criminal penalties for willful retention of income benefits to which an employee is not entitled.

On the motion, the yeas were 32, nays 0; the motion prevailed, and HB 1327 was committed to the Insurance and Labor Committee.

Senator Roberts of the 30th asked unanimous consent that HB 1760 be held off the Local Calendar for today. The consent was granted.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Thursday, March 5, 1998

THIRTY-SECOND LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 695 Starr, 44th
CITY OF LAKE CITY

A bill to amend an Act entitled "An Act to provide a new charter for the City of Lake City" so as to change the corporate boundaries of said city.

HB 1756 Gillis, 20th
METTER-CANDLER COUNTY

A bill to amend an Act creating the Metter-Candler County Airport Authority, so as to change the terms of the members of the authority.

HB 1757 Brush, 24th
LINCOLN COUNTY

A bill to amend an Act providing for the election of members of the Board of Education of Lincoln County, so as to provide, if approved by the voters of Lincoln County, for nonpartisan primaries and elections for members of the Board of Education of Lincoln County beginning with the primaries and elections to be held in the year 2000.

HB 1759 Johnson, 1st
Johnson, 2nd
CITY OF POOLER

A bill to amend an Act creating a new charter for the City of Pooler, so as to provide for four-year terms of office for the mayor and aldermen.

HB 1761 Lamutt, 21st
Tanksley, 32nd
Thompson, 33rd
Clay, 37th
Abernathy, 38th
COBB COUNTY

A bill to amend an Act changing the compensation of the clerk of the superior court, the sheriff, and the judge of the Probate Court of Cobb County from the fee system to the salary system, so as to change the compensation of the judge and the clerk of the probate court.

HB 1762 Crotts, 17th
CITY OF STOCKBRIDGE

A bill to amend an Act providing a new charter for the City of Stockbridge, so as to change the corporate boundaries of said city.

HB 1763 Gillis, 20th
DUBLIN-LAURENS COUNTY

A bill to create the Dublin-Laurens County Commission on Children, Youth, and Families.

HB 1764 Roberts, 30th
CARROLL COUNTY

A bill to amend an Act establishing the State Court of Carroll County, so as to provide for a full-time solicitor.

HB 1767 Guhl, 45th
Broun, 46th
BARROW COUNTY

A bill to provide a homestead exemption from certain Barrow County ad valorem taxes for county purposes in the amount of \$10,000.00 of the assessed value of the homestead of certain residents of that county.

HB 1768 Guhl, 45th
Broun, 46th
CITY OF WINDER

A bill to create the City of Winder Public Facilities Authority.

HB 1772 Gillis, 20th
Cheeks, 23rd
JEFFERSON COUNTY

A bill to amend an Act fixing the compensation for the members of the board of commissioners of Jefferson County and the clerk of such board, so as to change certain provisions relating to the compensation rates for members of the board. (SUBSTITUTE)

HB 1773 Dean, 31st
 Marable, 52nd
 BARTOW COUNTY

A bill to amend an Act placing certain of the county officers of Bartow County upon an annual salary, so as to change the provisions relating to the compensation of the clerk of the superior court.

The substitute to the following bill was put upon its adoption:

* HB 1772:

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 1772:

A BILL

To be entitled an Act to amend an Act fixing the compensation for the members of the board of commissioners of Jefferson County and the clerk of such board, approved August 12, 1921 (Ga. L. 1921, p. 509), as amended, so as to change certain provisions relating to the compensation rates for members of the board; to change certain provisions relating to expense allowances for members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act fixing the compensation for the members of the board of commissioners of Jefferson County and the clerk of such board, approved August 12, 1921 (Ga. L. 1921, p. 509), as amended, is amended by striking Sections 1 and 1A and inserting in lieu thereof the following:

“SECTION 1.

Each member of the board of commissioners, other than the chairperson, shall receive an annual salary of not less than \$3,000.00 per year (\$250.00 per month) nor more than \$12,000.00 per year. The exact amount of such annual salary shall be established by a resolution of the board of commissioners. The chairperson for the board of commissioners shall receive an annual salary of not less than \$3,300.00 per year (\$275.00 per month) nor more than \$13,200.00 per year. The exact amount of such annual salary shall be established by a resolution of the board of commissioners. The chairperson and members of the board of commissioners shall receive a minimum salary unless and until the board acts by resolution to approve an increase. At least ten days prior to the final adoption of any resolution providing for an increase in salary, the board of commissioners shall publish in the county legal organ a prominent notice of the board's intention to adopt the proposed increase.

SECTION 1A.

Each member of the board of commissioners, other than the chairperson, shall receive as an expense allowance not less than \$1,200.00 per year (\$100.00 per month) nor more than \$3,600.00 per year. The exact amount of such expense allowance shall be established by a resolution of the board of commissioners. The chairperson and members of the board of commissioners shall receive a minimum expense allowance unless and until the board acts by resolution to approve an increase. At least ten days prior to the final adoption of a resolution providing for an increase in expense allowances,

the board of commissioners shall publish in the county legal organ a prominent notice of the board's intention to adopt an expense allowance increase."

SECTION 2.

This Act shall become effective on January 1, 1999.

SECTION 3.

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

On the adoption of the substitute, the yeas were 48, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour		Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	EX	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins		Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	EX	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	EX	Oliver		Walker
Y Gochenour		Perdue(PRS)		

On the passage of the local bills, the yeas were 48, nays 0.

All the bills on the Local Consent Calendar, except HB 1772, having received the requisite constitutional majority, were passed.

HB 1772, having received the requisite constitutional majority, was passed by substitute.

Senator Ralston of the 51st introduced the doctor of the day, Dr. G. H. Perrow of Jasper, Georgia.

The President resumed the Chair.

The following resolution was read and put upon its adoption:

SR 666. By Senators Perdue of the 18th, Broun of the 46th, Starr of the 44th and others:

A resolution commending Honorable Loyce Warren Turner.

The President introduced Senator Loyce Turner, commended by SR 666, and his family. Senator Turner addressed the Senate briefly.

The President and Senator Thomas of the 54th introduced Carlton Petty, commended by SR 594, adopted previously.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1683. By Representatives Roberts of the 162nd, Tillman of the 173rd and James of the 140th:

A bill to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicle dealers and used motor vehicle parts dealers, so as to define and redefine terms; to make it unlawful for the owner or lessee of real property to allow to be or have certain used motor vehicles displayed or parked on such property for the purpose of selling or advertising the sale of such vehicles.

NOTICE OF MOTION TO RECONSIDER:

HB 1352 Game and fish; amend provisions (Amendments) (Nat R-20th) Lane-146th

SENATE RULES CALENDAR

Thursday, March 5, 1998

THIRTY-SECOND LEGISLATIVE DAY

- SR 544 Joint Study Committee on Franchise Fees and Conditions, Rights of Way, Tax Implications of Competitive Markets-create (Rules-18th)
- HB 1101 Georgia Health Care Authorities Law; enact (H&HS-22nd) Childers-13th
- SR 662 Cuba-opposing lifting of any sanctions against (Int Coop-37th)
- SR 677 Joint Study Committee on School Health Care-create (Rules-52nd)
- SR 646 Joint Study Committee on School Support Personnel-create (Rules-4th)
- SB 438 Public Swimming Pools-standards for operation, maintenance (Substitute)(H&HS-35th)
- SR 680 DUI Study Commission-create (Rules-56th)
- SR 552 Joint Study Committee on Historic Preservation-create (Rules-14th)
- SB 655 Probate Court Judges-distribution of certain funds to certain minors (S Judy-12th)
- SB 367 Stone Mountain Memorial Association-purposes, association improvement fund (Amendment)(EDT&CA-5th)
- SB 657 Insurer-change provisions on liability for certain damages, attorney's fees (Substitute)(S Judy-7th)

- SB 600 Zoning-ordinances which zone certain annexed, deannexed property (Amendment)(SLGO-G-17th)
- SB 593 Elections-powers of State Election Board (Amendment)(SLGO-G-10th)
- SR 583 ~ Pete Wheeler Georgia War Veterans Memorial Complex-designate (Substitute)(D&VA-5th)
- SB 518 Special License Plates-U.S. Armed Forces Veterans, North Korea (Trans-12th)
- SR 653 ~ Duane Allman Boulevard and Raymond Berry Oakley III Bridge-designate (Trans-26th)
- SR 593 Joint State Income Tax Reform Study Commission-create (Rules-37th)
- SB 665 Health Insurance-relating to conversion, newborn, adopted coverage (Substitute)(I&L-29th)
- SB 633 Sentence of Community Service-travel time not counted (Judy-51st)
- SB 656 Group Self-insurance Worker's Compensation Funds-examination of funds (I&L-29th)
- SR 648 ~ Tom Coleman, Mack Mattingly-designate portion of Interstate 95 in honor of (Amendments)(Trans-1st)
- SB 634 Client, Attorney Privilege-include client, attorney for another party (Judy-51st)

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

SR 544. By Senators Perdue of the 18th, Johnson of the 1st, Starr of the 44th and Land of the 16th:

A resolution creating the Joint Study Committee on Franchise Fees and Conditions, Rights of Way, and Tax Implications of Competitive Markets.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Cheeks	Y Griffin
Y Balfour	Y Clay	Y Guhl
Y Blitch	Y Crofts	Y Harbison
Y Boshears	Y Dean	EX Henson
Y Bowen	Y Egan	Y Hill
Y Broun, 46th	Y Fort	Y Hooks
Y Brown, 26th	Y Gillis	Y Huggins
Y Brush	Y Glanton	Y James
Y Burton	Y Gochenour	Y Johnson,D
Y Cagle		Y Johnson,E

Y Kemp	Y Price,R	Y Streat
Y Lamutt	Y Price,T	Y Tanksley
Y Land	Y Ragan	Y Taylor
Y Langford	Y Ralston	Y Thomas,D
Y Madden	Y Ray	Y Thomas,N
Y Marable	Y Roberts	EX Thompson
Y Middleton	Y Scott	Y Turner
EX Oliver	Y Starr	Tysinger
Y Perdue	Y Stokes	Y Walker

On the adoption of the resolution, the yeas were 52, nays 0.

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

HB 1101. By Representatives Childers of the 13th, Martin of the 47th, Hudson of the 120th and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to create health care authorities in every county and municipality in the state.

Senate Sponsor: Senator Walker of the 22nd.

Senator Johnson of the 1st moved the previous question; there was no objection and, and the previous question was ordered.

Senator Kemp of the 3rd moved that HB 1101 be placed on the Table.

On the motion, Senator Kemp of the 3rd called for the yeas and nays. The call was sustained and the vote was as follows:

N Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blitch	N Harbison	N Ragan
Y Boshears	N Henson	N Ralston
Y Bowen	N Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
N Brown, 26th	N Huggins	N Scott
Y Brush	N James	Y Starr
N Burton	Johnson,D	N Stokes
N Cagle	N Johnson,E	N Streat
Y Cheeks	Y Kemp	Y Tanksley
N Clay	N Lamutt	Y Taylor
N Crotts	N Land	Thomas,D
N Dean	N Langford	N Thomas,N
N Egan	N Madden	N Thompson
N Fort	N Marable	Turner
N Gillis	N Middleton	Tysinger
N Glanton	EX Oliver	N Walker
N Gochenour	N Perdue	

On the motion, the yeas were 10, nays 41, and the motion to place HB 1101 on the Table was lost.

Senator Boshears of the 6th offered the following amendment:

Amend HB 1101 by adding "(A)" after "(5)" on line 14 of page 17.

By adding between lines 24 and 25 of page 17 the following:

“(B) ~~No authority engaging~~ in the services listed in subparagraph (A) of this paragraph shall be authorized to exclude or refuse to do business with any provider providing such services in the community prior to the date upon which the authority began itself to provide such services solely because the authority has begun to provide such services. In the event that any existing provider in the community had previously had any business relationship with the authority regarding the providing of such services, the authority shall establish a competitive business process under which the existing provider of such services must be allowed to compete for the right to provide such services. No authority shall be authorized to engage in any business practice which has the effect of establishing a monopoly in the community in the provision of such services. Nothing in this subparagraph shall be construed to authorize or require any authority to subsidize the operation of any existing provider. The stated intent of this subparagraph is to require the authority, whenever possible, to foster and encourage fair competition in the provision of such services;”

On the adoption of the amendment, the yeas were 22, nays 30, and the Boshears amendment (11 0582) was lost.

Senator Walker of the 22nd offered the following amendment:

Amend HB 1101 by adding immediately following the semicolon on line 35 of page 1 the following:

“to amend Article 15 thereof, relating to hospital acquisitions, so as to change certain definitions; to provide for continuing applicability of Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to health planning and certificate of need, and rules and regulations promulgated thereunder; to provide for automatic repeal;”

By striking “hospices, personal care homes, home health agencies,” from line 8 of page 4.

By striking lines 13 and 14 of page 4 and inserting in their place the following:

“in accordance with applicable rules and”

By striking lines 13 through 24 of page 17 and inserting in their place the following:

“operate projects;

(5) Reserved;”

By striking lines 5 and 6 of page 21 and inserting in their place the following:

“functions;”

By striking lines 26 through 28 of page 22 and inserting in their place the following:

“capitation, or other reimbursement basis; provided;”

By striking line 21 of page 41 and inserting in its place the following:

“SECTION 1A.

Said chapter is further amended by striking paragraphs (2) and (5) of Code Section 31-7-400, relating to definitions regarding hospital acquisitions, and inserting in their places the following:

“(2) ‘Acquisition’ means a purchase or lease by an acquiring entity of the assets of a hospital which is owned, controlled, or operated by a nonprofit corporation and which meets one or more of the following conditions:

(A) Constitutes a purchase or lease of 50 percent or more of the assets of a hospital having a permit under this chapter; or

(B) Constitutes a purchase or lease which, when combined with one or more transfers between the same or related parties occurring within a five-year period, constitutes a purchase or lease of 50 percent or more of the assets of a hospital having a permit under this chapter;

provided, however, that an acquisition does not include: ~~the~~

(i) The restructuring of a hospital owned by a hospital authority involving a lease of assets to any not for profit or for profit entity which has a principal place of business located in the same county where the main campus of the hospital in question is located and which is not owned, in whole or in part, or controlled by any other for profit or not for profit entity whose principal place of business is located outside such county; or

(ii) A restructuring of a nonprofit health system involving the purchase or lease of the assets of a hospital controlled as of March 1, 1998, by the health system's nonprofit parent corporation by another nonprofit entity which is both exempt from federal income taxation and controlled by the same nonprofit parent corporation.'

(5) "Disposition" means a sale or lease of the assets of a hospital which is owned, controlled, or operated by a nonprofit corporation to an acquiring entity which meets one or more of the following conditions:

(A) Constitutes a sale or lease of 50 percent or more of the assets of a hospital having a permit under this chapter; or

(B) Constitutes a sale or lease which, when combined with one or more transfers between the same or related parties occurring within a five-year period, constitutes a sale or lease of 50 percent or more of the assets of a hospital having a permit under this chapter;

provided, however, that a disposition does not include the restructuring of a hospital owned by a hospital authority involving a lease of assets to any not for profit or for profit entity which has a principal place of business located in the same county where the main campus of the hospital in question is located and which is not owned, in whole or in part, or controlled by any other for profit or not for profit entity whose principal place of business is located outside such county.'

SECTION 1B."

By striking "political subdivision" and inserting "entities" on line 29 of page 41.

By striking "State of Georgia" and inserting "foregoing named entities" on line 33 of page 41.

By striking lines 34 and 35 of page 41 and inserting in their place the following:

"compelling or substantial state interest, secure information to prevent the forfeiture, or permit the receipt of federal funds."

By adding between lines 35 and 36 of page 41 the following:

"SECTION 1C.

Nothing in this Act shall repeal any provision of Chapter 6 of Title 31 of the Official Code of Georgia Annotated, relating to state health planning and certificate of need, or any rules or regulations promulgated thereunder.

SECTION 1D.

Except for this Section and Section 1A, the remaining provisions of this Act shall be automatically repealed upon January 1, 1999, upon which date Article 4 of Chapter 7 of Title 31 shall be as it existed immediately prior to the date this Act became effective in 1998."

On the adoption of the amendment, the yeas were 46, nays 2, and the Walker amendment #2 (11 0571/1) was adopted.

Senators Middleton of the 50th, Walker of the 22nd, Madden of the 47th, and others offered the following amendment:

Amend HB 1101 by deleting paragraph (13) on page 20

On the adoption of the amendment, the yeas were 45, nays 0, and the Middleton, et al amendment #3 was adopted.

Senator Madden of the 47th offered the following amendment:

Amend HB 1101 by striking on line 19 of page 2 the following:

“, whether or not contiguous,”

By striking lines 9 through 12 on page 4 and inserting in their place the following:

“other public health facilities for the use of patients and officers and employees of any institution under the supervision and control of any hospital authority or leased by the hospital authority for operation by others”

By striking lines 13 through 20 of page 4 and inserting in their place the following:

~~“and services. Such term may also include any such”~~

By striking on page 10, line 16, the following:

“one or more additional authorities”,

and inserting in its place the following:

“a hospital authority”

By striking lines 36 through 41 on page 35 and inserting in their place the following:

“report. The board of trustees ~~may~~ shall hold a public hearing on the budget, and representatives of any governing body within the area of operation of the authority or any other person having an interest in such budget shall have the right to be heard with respect to any matter covered by the report of the board of trustees or by the budget.”

By striking lines 38 through 43 on page 40 and lines 1 through 14 on page 41.

On the adoption of the amendment, the yeas were 45, nays 1, and the Madden amendment #4 (11 0583) was adopted.

Senators Langford of the 29th and Lamutt of the 21st offered the following amendment:

Amend HB 1101 by striking lines 38 through 43 of page 40 and lines 1 through 14 of page 41 and inserting in their place the following:

“No authority or other instrumentality acting on behalf of any municipal corporation, county or other political subdivision, nor those political subdivisions shall engage in any anti competitive act or practice including but not limited to price squeezing, price discrimination, predatory pricing, or tying arrangements, as such terms are commonly applied in antitrust law.”

On the adoption of the amendment, the yeas were 25, nays 18, and the Langford, Lamutt amendment #5 was adopted.

Senator Fort of the 39th offered the following amendment:

Amend HB 1101 by striking lines 21 through 35 on page 41.

Senator Fort of the 39th called for the yeas and nays. The call was sustained, and the vote was as follows:

Y Abernathy	N Griffin	N Price,R
N Balfour	N Guhl	N Price,T
N Blitch	Y Harbison	N Ragan
Boshears	Y Henson	N Ralston
N Bowen	N Hill	N Ray
N Broun, 46th	Y Hooks	N Roberts
Y Brown, 26th	N Huggins	N Scott
N Brush	Y James	N Starr
N Burton	Y Johnson,D	Y Stokes
N Cagle	N Johnson,E	N Streat
Y Cheeks	Y Kemp	Y Tanksley
N Clay	N Lamutt	Y Taylor
N Crotts	N Land	EX Thomas,D
N Dean	Y Langford	Y Thomas,N
Y Egan	N Madden	N Thompson
Y Fort	N Marable	N Turner
N Gillis	N Middleton	Tysinger
N Glanton	EX Oliver	N Walker
N Gochenour	N Perdue	

On the adoption of the amendment, the yeas were 16, nays 36, and the Fort amendment #6 (26 0269) was lost.

Senators Ralston of the 51st, Clay of the 37th, Cagle of the 49th and Johnson of the 1st offered the following amendment:

Amend HB 1101 by striking lines 1 of page 1 through 38 of page 41 and inserting in lieu thereof the following:

“To amend Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their rights, so as to provide that neither the State of Georgia, its agents, nor any of its political subdivisions shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their rights, is amended by adding at the end thereof a new Code Section 1-2-12 to read as follows:

'1-2-12.

Neither the State of Georgia, its agents, nor any of its political subdivisions shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group.'

SECTION 2.

This Act shall become effective on the first day of January following the approval of this Act by the Governor or its becoming law without such approval."

Senator Price of the 56th offered the following amendment (#7A):

Amend the Ralston, et al. amendment to HB 1101 by striking on line 9 the word " a "

Senator Price of the 56th offered the following amendment (#7B):

Amend the Ralston, et al. amendment #7 by striking on line 11 the word "to" following the word date;

Senator Price of the 56th asked unanimous consent that his amendments (#7A & #7B) to the Ralston et al. amendment be withdrawn. The consent was granted and the amendments were withdrawn.

On the adoption of the Ralston, et al. amendment #7, Senator Ralston of the 51st called for the yeas and nays. The call was sustained, and the vote was as follows:

N Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	N Harbison	N Ragan
Y Boshears	N Henson	Y Ralston
N Bowen	N Hill	Y Ray
N Broun, 46th	N Hooks	Y Roberts
N Brown, 26th	N Huggins	N Scott
Y Brush	N James	N Starr
Y Burton	N Johnson,D	N Stokes
Y Cagle	Y Johnson,E	N Streat
Y Cheeks	N Kemp	N Tanksley
Y Clay	Y Lamutt	N Taylor
Y Crotts	Y Land	EX Thomas,D
N Dean	N Langford	N Thomas,N
Y Egan	N Madden	N Thompson
N Fort	N Marable	N Turner
N Gillis	N Middleton	Tysinger
Y Glanton	EX Oliver	N Walker
Y Gochenour	N Perdue	

On the adoption of the amendment, the yeas were 21, nays 32, and the Ralston, et al. amendment #7 (21 0750) was lost.

Senator Price of the 56th offered the following amendment:

Amend HB 1101 by striking lines 13 through 20 of page 2 and inserting in its place the following:

"(1) 'Area of operation' means the area within the city or county activating an authority. Such term shall also mean any other city or county in which the authority wishes to operate, provided the governing authorities and the board of any hospital authorities of such city and county request or approve such operation."

On the adoption of the amendment, the yeas were 42, nays 0, and the Price amendment #8 was adopted.

Senator Price of the 56th offered the following amendment:

Amend HB 1101 by striking lines 13 through 19 of page 10 and inserting in their place the following:

“according to the United States decennial census of 1990 or any future such census a public body corporate and politic to be known as the ‘_____ Hospital Authority.’ Each such hospital authority shall be a separate entity and in addition to”

On the adoption of the amendment, the yeas were 43, nays 0, and the Price amendment #9 was adopted.

Senator Price of the 56th offered the following amendment:

Amend HB 1101 by striking lines 31 through 42 of page 17 and lines 1 through 17 of page 18 and inserting in their place the following:

“project. In the event a hospital authority undertakes to sell a hospital facility, such authority shall, prior to the execution of a contract of sale, provide reasonable public notice of such sale and provide for a public hearing to receive comments from the public concerning such sale. This power shall be unaffected by the language set forth in paragraph (13) of this Code section or any implications arising therefrom unless grants of assistance have been received by the authority with respect to such lands, buildings, structures, or facilities, in which case approval in writing as set forth in paragraph (13) of this Code section shall be obtained prior to selling or leasing to others within 20 years after completion of construction;

~~(7)~~(7.1) To lease for any number of years up to a maximum of 40 years for operation by others any project, provided that the authority shall have first determined that such lease will promote the public health needs of the community by making additional facilities available in the community or by lowering the cost of health care in the community and that authority shall have retained sufficient control over any project so leased so as to ensure that the lessee will not in any event obtain more than a reasonable rate of return on its investment in the project, which reasonable rate of return, if and when realized by such lessee, shall not contravene in any way the mandate set forth in Code Section 31-7-77 specifying that no authority shall operate or construct any project for profit. Any lessee shall agree in the”

On the adoption of the amendment, the yeas were 39, nays 4, and the Price amendment #10 was adopted.

Senator Price of the 56th offered the following amendment:

Amend HB 1101 by striking lines 6 through 18 of page 20 and inserting in their place the following:

“(13) To sell or lease within 20 years after the completion of construction of properties or facilities operated by the hospital authority where grants of financial assistance have been received from federal or state governments, other such action has first been approved by the department in writing;”

Senator Price asked unanimous consent that his amendment be withdrawn. The consent was granted, and amendment #11 was withdrawn.

Senator Price of the 56th offered the following amendment:

Amend HB 1101 by striking lines 36 through 41 of page 35 and inserting in their place the following:

“report. The board of trustees may hold a public hearing on the budget, and representatives of any governing body within the area of operation of the authority or any other person having an interest in such budget shall have the right to be heard with respect to any matter covered by the report of the board of trustees or by the budget.”

Senator Price of the 56th asked unanimous consent that his amendment be withdrawn. The consent was granted and amendment #12 was withdrawn.

Senator Price of the 56th offered the following amendment:

Amend HB 1101 by striking lines 38 through 43 of page 40 and lines 1 through 14 of page 42.

Senator Price of the 56th asked unanimous consent that his amendment be withdrawn. The consent was granted and amendment #13 was withdrawn.

Senator Ralston of the 51st moved that Senator Thomas of the 54th be excused. On the motion, the yeas were 43, nays 1; the motion prevailed, and Senator Thomas was excused.

Senators Ralston of the 51st, Clay of the 37th, Cagle of the 49th and Johnson of the 1st offered the following substitute to HB 1101:

A BILL

To be entitled an Act to amend Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their rights, so as to provide that neither the State of Georgia, its agents, nor any of its political subdivisions shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 2 of Title 1 of the Official Code of Georgia Annotated, relating to persons and their rights, is amended by adding at the end thereof a new Code Section 1-2-12 to read as follows:

“1-2-12.

Neither the State of Georgia, its agents, nor any of its political subdivisions shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group.”

SECTION 2.

This Act shall become effective on the first day of January following the approval of this Act by the Governor or its becoming law without such approval.

SECTION 3.

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

On the adoption of the substitute Senator Ralston of the 51st called for the yeas and nays.

The call was sustained and the vote was as follows:

N	Abernathy	Y	Boshears	N	Brown, 26th
Y	Balfour	N	Bowen	Y	Brush
Y	Blitch	N	Broun, 46th	Y	Burton

Y Cagle	N Huggins	Y Ralston
Y Cheeks	N James	Y Ray
Y Clay	N Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	N Scott
N Dean	N Kemp	N Starr
Y Egan	Y Lamutt	N Stokes
N Fort	Y Land	N Streat
N Gillis	N Langford	N Tanksley
Y Glanton	N Madden	N Taylor
Y Gochenour	N Marable	EX Thomas,D
N Griffin	N Middleton	N Thomas,N
Y Guhl	EX Oliver	N Thompson
N Harbison	N Perdue	N Turner
N Henson	Y Price,R	Tysinger
N Hill	Y Price,T	N Walker
N Hooks	N Ragan	

On the adoption of the substitute, the yeas were 21, nays 32, and the Ralston, et al. substitute was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N Abernathy	N Griffin	N Price,R
N Balfour	N Guhl	N Price,T
N Blitch	N Harbison	N Ragan
N Boshears	N Henson	N Ralston
N Bowen	N Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
N Brown, 26th	N Huggins	N Scott
N Brush	N James	N Starr
N Burton	N Johnson,D	N Stokes
N Cagle	N Johnson,E	N Streat
N Cheeks	N Kemp	N Tanksley
N Clay	N Lamutt	N Taylor
N Crotts	N Land	EX Thomas,D
Y Dean	N Langford	N Thomas,N
N Egan	Y Madden	Y Thompson
N Fort	Y Marable	N Turner
N Gillis	N Middleton	Tysinger
N Glanton	EX Oliver	N Walker
N Gochenour	Y Perdue	

On passage of the bill, the yeas were 5, nays 48.

HB 1101, having failed to receive the requisite constitutional majority, was lost.

At 1:25 P.M., the President announced that the Senate would stand in recess until 2:30 P.M.

The President called the Senate to order at 2:30 P.M.

Senator Marable of the 52nd moved that Senator Henson of the 55th be excused. On the motion, the yeas were 28, nays 1; the motion prevailed, and Senator Henson was excused.

The Calendar was resumed.

SR 662. By Senators Clay of the 37th, Lamutt of the 21st and Ralston of the 51st:

A resolution expressing opposition to the lifting of any sanctions against Cuba and urging Congress to oppose any effort to lift or weaken sanctions against Cuba and further urging Congress not to take any other action to support Fidel Castro's communist Cuba.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
	Blitch		Harbison	Y	Ragan
Y	Boshears	EX	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins		Scott
Y	Brush		James	Y	Starr
Y	Burton		Johnson,D		Stokes
	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt		Taylor
Y	Crotts	Y	Land	EX	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden		Thompson
N	Fort	Y	Marable	Y	Turner
Y	Gillis		Middleton		Tysinger
Y	Glanton	EX	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 39, nays 1.

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

SR 677 By Senators Marable of the 52nd, Dean of the 31st, Henson of the 55th and others:

A resolution creating the Joint Study Committee on School Health Care.

Senators Gochenour of the 27th, Brush of the 24th, Clay of the 37th, and Balfour of the 9th offered the following amendment:

Amend SR 677 by deleting on page 2 line 2 the word "and" and inserting in its place a ",."

Deleting on page 2 line 3 the " " after the word Senate and adding ", the chairman of the State Board of Education or designee and the State School Superintendent of schools or designee."

On the adoption of the amendment, the yeas were 36, nays 1, and the amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch		Harbison		Ragan
Y Boshears	EX	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton		Johnson,D		Stokes
N Cagle	Y	Johnson,E	Y	Streat
N Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	EX	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton		Tysinger
N Glanton	EX	Oliver		Walker
Y Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 42, nays 3.

The resolution, having received the requisite constitutional majority, was adopted as amended.

SR 646. By Senators Hill of the 4th, Middleton of the 50th, Marable of the 52nd and others:

A resolution creating the Joint Study Committee on School Support Personnel.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch		Harbison	Y	Ragan
Y Boshears	EX	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks		Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton		Johnson,D		Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	EX	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Gillis	Y	Middleton		Tysinger
Y Glanton	EX	Oliver		Walker
Y Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 44, nays 0.

The resolution, having received the requisite constitutional majority, was adopted. Senator Hill of the 4th moved that SR 646 be immediately transmitted to the House. On the motion, the yeas were 35, nays 0, and SR 646 was immediately transmitted.

SB 438. By Senator James of the 35th:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide standards for the design, operation, and maintenance of public swimming pools; to provide for legislative purpose; to provide definitions; to provide for annual permits; to provide requirements relating to structural design and materials, water supply and quality, general safety precautions, electrical safety, hygiene, bather preparation facilities, and bather supervision.

The Senate Committee on Health and Human Services offered the following substitute to SB 438:

A BILL

To be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for legislative purpose; to provide a definition; to provide for annual permits; to provide for inspections by county boards of health; to provide for rules and regulations to be adopted by the Department of Human Resources related to regulation of the design, operation, and maintenance of public swimming pools; to provide for suction hazard reduction; to provide for the suspension or revocation of permits under certain conditions; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

This Act shall be known and may be cited as "Michelle's Law."

SECTION 2.

Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding at the end thereof a new Chapter 43 to read as follows:

"CHAPTER 43

31-43-1.

The purpose of this chapter is to protect the public health and safety through the proper design, operation, and maintenance of public swimming pools.

31-43-2.

As used in this chapter, the term 'public swimming pool,' 'swimming pool,' or 'pool' means any structure, chamber, or tank containing an artificial body of water used by the public for swimming, diving, wading, recreation, or therapy, together with buildings, appurtenances, and equipment used in connection with the body of water, regardless of whether a fee is charged for its use. The term includes municipal, school, hotel, motel, apartment, boarding house, athletic club, or other membership facility pools and spas. This chapter shall not apply to a private pool serving a single family dwelling and used only by the residents of the dwelling and their guests. This chapter also shall not apply to therapeutic pools used in physical therapy programs operated by medical facilities licensed by the department or operated by a licensed physical

therapist, nor to therapeutic chambers drained, cleaned, and refilled after each individual use.

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31-43-3.

(a) On or after July 1, 1998, a permit shall be obtained from the county board of health in the county in which a public swimming pool is located prior to construction or continued operation of a public swimming pool. When the ownership of a public swimming pool changes or if the pool is leased by the owner, it shall be the responsibility of the new owner or lessee to secure a permit issued in his or her name.

(b) Unless suspended or revoked, a swimming pool operation permit shall be valid for the period of operation specified in the application, but in no event shall it be valid for more than 12 months.

31-43-4.

A separate application for an operation permit must be submitted for each public swimming pool. The owner or operator shall apply annually to the county board of health for an operator's permit. A form must be obtained from the county board of health to provide:

- (1) The owner's name, address, and telephone number;
- (2) The operator's name, address, and telephone number;
- (3) The street address of the public swimming pool;
- (4) The physical location of the public swimming pool;
- (5) The type of public swimming pool;
- (6) The construction date, if applicable;
- (7) The proposed operating dates;
- (8) The type of disinfection; and
- (9) The signature of the owner or a designated representative of the owner.

31-43-5.

Construction of public swimming pools and additions and alterations to such pools may start only upon issuance and receipt of a permit pursuant to Code Section 31-43-3.

31-43-6.

A permittee shall notify the county board of health at the time of completion of the construction of a public swimming pool to permit inspection before the pool is placed in operation.

31-43-7.

Each public swimming pool shall be inspected by the county board of health annually to determine compliance with this chapter and with the rules and regulations adopted by the Department of Human Resources.

31-43-8.

A permit for a public swimming pool may be suspended or revoked by the county board of health for failure to comply with the provisions of this chapter and the rules and regulations adopted by the Department of Human Resources.

31-43-9.

(a) The Department of Human Resources shall adopt and promulgate rules and regulations concerning the construction and operation of public swimming pools. The Department of Human Resources shall classify public swimming pools on the basis of size, usage, type, or any other appropriate factor and shall adopt requirements for each classification. The rules shall include requirements for:

- (1) Submission and review of plans prior to construction;
- (2) Application, review, expiration, renewal, and revocation or suspension of an operating permit;
- (3) Inspection;
- (4) Design and construction including materials, depth and other dimensions, and standards for the abatement of suction hazards; and
- (5) Operation and safety including water source, water quality and testing, fencing, water treatment, chemical storage, toilet and bath facilities, measures to ensure the personal cleanliness of bathers, safety equipment and other safety measures, and sewage and other waste-water disposal.

Public swimming pools constructed or remodeled prior to July 1, 1998, that do not meet specific design and construction requirements of the rules for public swimming pools adopted by the Department of Human Resources shall not be required to comply with design and construction requirements other than requirements related to the abatement of suction hazards.

(b) No single drain, single-suction outlet public swimming pools less than 18 inches deep shall be allowed to operate.

31-43-10.

Each county board of health and its duly authorized agents are authorized and empowered to enforce compliance with the provisions of this chapter and the rules and regulations relating to public swimming pools adopted and promulgated by the Department of Human Resources and, in connection therewith, to enter upon and inspect the premises of a public swimming pool at any reasonable time and in a reasonable manner.”

SECTION 3.

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

On the adoption of the substitute, the yeas were 35, nays 2, and the substitute was adopted.

Senator Thomas of the 10th moved the previous question. There was no objection, and the previous question was ordered.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Brown, 26th	N Crotts
N Balfour	N Brush	N Dean
Y Blitch	N Burton	N Egan
Y Boshears	N Cagle	Y Fort
N Bowen	N Cheeks	N Gillis
Broun, 46th	N Clay	

N	Glanton	N	Lamutt	N	Roberts
N	Gochenour	N	Land	Y	Scott
Y	Griffin	N	Langford	N	Starr
N	Guhl	Y	Madden	Y	Stokes
Y	Harbison	N	Marable	Y	Streat
EX	Henson	Y	Middleton	N	Tanksley
N	Hill	EX	Oliver	Y	Taylor
Y	Hooks		Perdue	EX	Thomas,D
N	Huggins		Price,R	Y	Thomas,N
Y	James	N	Price,T	Y	Thompson
Y	Johnson,D	Y	Ragan	N	Turner
N	Johnson,E	N	Ralston		Tysinger
Y	Kemp	N	Ray		Walker

On the passage of the bill, the yeas were 20, nays 28.

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

Senator James of the 35th gave notice that, at the proper time, she would ask the Senate to reconsider its action in defeating SB 438.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

SR 680. By Senators Price of the 56th, Middleton of the 50th, Clay of the 37th and others:

A resolution creating the Georgia DUI Study Commission.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	EX	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	EX	Thomas,D
Y	Dean	Y	Langford	N	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton		Tysinger
Y	Glanton	EX	Oliver		Walker
Y	Gochenour		Perdue(PRS)		

On the adoption of the resolution, the yeas were 48, nays 1.

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

Senator Cheeks of the 23rd asked unanimous consent that Senators Ragan of the 11th, Madden of the 47th, Gillis of the 20th, Cheeks of the 23rd, Cagle of the 49th, and Ralston of the 51st be excused with one motion. The consent was granted.

Senator Cheeks of the 23rd moved that Senators Ragan of the 11th, Madden of the 47th, Gillis of the 20th, Cheeks of the 23rd, Cagle of the 49th, and Ralston of the 51st be excused. On the motion, the yeas were 35, nays 3; the motion prevailed, and the Senators were excused.

The Calendar was resumed.

SR 552. By Senators Hooks of the 14th, Oliver of the 42nd, Egan of the 40th and Johnson of the 1st:

A resolution to create the Joint Study Committee on Historic Preservation.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	EX Ragan
Y Boshears	EX Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	N James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
EX Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	EX Thomas,D
Dean	Y Langford	Y Thomas,N
Y Egan	EX Madden	Y Thompson
Y Fort	Y Marable	Y Turner
EX Gillis	Middleton	Tysinger
Y Glanton	EX Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the adoption of the resolution, the yeas were 40, nays 1.

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

SB 655. By Senator Taylor of the 12th:

A bill to amend Chapter 8 of Title 29 of the Official Code of Georgia Annotated, relating to judges of the probate courts as custodians of certain funds, so as to authorize the judges of the probate courts to receive, collect, invest, and distribute certain funds to be paid to minors who have no legal and qualified guardian of the property; to allow probate judges to authorize regular and recurring payments from certain funds for the support, education, and maintenance of a minor who has no legal and qualified guardian of the property; to provide for compensation and fees.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

"33-4-6.

In the event of a loss which is covered by a policy of insurance and the refusal of the insurer to pay the same within 60 days after a demand has been made by the holder of the policy and a finding has been made that such refusal was in bad faith, the insurer shall be liable to pay such holder, in addition to the loss, not more than 25 200 percent of the liability of the insurer for the loss, as damages for such bad faith, and all reasonable attorney's fees for the prosecution of the action against the insurer. The amount of any reasonable attorney's fees shall be determined by the trial jury and shall be included in any judgment which is rendered in the action; provided, however, the attorney's fees shall be fixed on the basis of competent expert evidence as to the reasonable value of the services based on the time spent and legal and factual issues involved in accordance with prevailing fees in the locality where the action is pending; provided, further, the trial court shall have the discretion, if it finds the jury verdict fixing attorney's fees to be greatly excessive or inadequate, to review and amend the portion of the verdict fixing attorney's fees without the necessity of disapproving the entire verdict reduce any award of damages for bad faith made by a jury to the maximum of 200 percent of the amount of the liability of the insurer for the loss. The limitations contained in this Code section in reference to the amount of attorney's fees are not controlling as to the fees which may be agreed upon by the plaintiff and his or her attorney for the services of the attorney in the action against the insurer."

SECTION 2.

Said title is further amended by striking subsection (j) of Code Section 33-7-11, relating to motor vehicle liability policy requirements and uninsured motorist coverage, and inserting in lieu thereof the following:

"(j) If the insurer shall refuse to pay any insured any loss covered by this Code section within 60 days after a demand has been made by the insured and a finding has been made that such refusal was made in bad faith, the insurer shall be liable to the insured in addition to any recovery under this Code section for not more than 25 200 percent of the recovery, as damages for such bad faith, and all reasonable attorney's fees for the prosecution of the case under this Code section. The question of bad faith, the amount of ~~the penalty~~ damages, if any, and the reasonable attorney's fees, if any, shall be determined in a separate action filed by the insured against the insurer after a judgement has been rendered against the uninsured motorist in the original tort action; provided, however, that the trial court shall reduce any award of damages for bad faith made by a jury to the maximum of 200 percent of the amount of the liability of the insurer for the loss. The attorney's fees shall be fixed on the basis of competent expert evidence as to the reasonable value of the services, based on the time spent and legal and factual issues involved, in accordance with prevailing fees in the locality where the action is pending. ~~The trial court shall have the discretion, if it finds such jury verdict fixing attorney's fees to be greatly excessive or inadequate, to review and amend such portion of the verdict fixing attorney's fees without the necessity of disapproving the entire verdict.~~ The limitations contained in this subsection in reference to the amount of attorney's fees are not controlling as to the fees which may be agreed upon by the plaintiff and his or her attorney for the services of the attorney in the action against the insurer."

SECTION 3.

This Act shall apply only to causes of action arising on or after July 1, 1998.

SECTION 4.

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

Senator Langford of the 29th offered the following amendment:

Amend the committee substitute to SB 657 by striking on line 23, page 1, "200" and inserting in its place "50"

Striking on line 6, page 2, "200" and inserting in its place "50"

Striking on line 23, page 2, "200" and inserting in its place "50"

Striking on line 33, page 2, "200" and inserting in its place "50"

On the adoption of the amendment, the yeas were 24, nays 17, and the Langford amendment was adopted.

Senators Gochenour of the 27th and Price of the 56th offered the following amendment:

Amend the committee substitute to SB 657 by striking lines 39 44 on page 2 and inserting:

"locality where the action is pending. The trial court shall have the discretion, if it finds such jury verdict fixing attorney's fees to be greatly excessive or inadequate, to review and amend such portion of the verdict fixing attorney's fees, without the necessity of disapproving the entire verdict. The limitations contained"

Deleting lines 34 on page 1 lines 1 4 on page 2 and insert "have the discretion, if it finds the jury verdict fixing attorney's fees to be greatly excessive or inadequate, to review and amend the portion of the verdict fixing attorney's fees without the necessity of disapproving the entire verdict."

On adoption of the amendment, the yeas were 34, nays 1, and the Gochenour, Price of the 56th amendment was adopted.

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	N Gillis	N Langford
N Balfour	N Glanton	EX Madden
Y Blitch	N Gochenour	Y Marable
Y Boshears	Y Griffin	Y Middleton
N Bowen	N Guhl	EX Oliver
N Broun, 46th	Y Harbison	Perdue(PRS)
Y Brown, 26th	Y Henson	N Price,R
Y Brush	Y Hill	Y Price,T
Y Burton	N Hooks	Y Ragan
N Cagle	Y Huggins	N Ralston
EX Cheeks	Y James	Y Ray
Y Clay	Y Johnson,D	N Roberts
N Crotts	N Johnson,E	Y Scott
N Dean	Y Kemp	N Starr
Y Egan	N Lamutt	Y Stokes
Y Fort	N Land	Y Streat

Y Tanksley	Y Thomas,N	Tysinger
N Taylor	Y Thompson	Y Walker
EX Thomas,D	Y Turner	

On the passage of the bill, the yeas were 30, nays 20.

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

Senator Huggins of the 53rd moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 29, nays 0; the motion prevailed, and Senator Stokes was excused.

Senator Huggins of the 53rd moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 31, nays 0; the motion prevailed, and Senator Middleton was excused.

Senator Huggins of the 53rd moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 29, nays 0; the motion prevailed, and Senator Ralston was excused.

The Calendar was resumed.

SB 600. By Senators Crotts of the 17th, Lamutt of the 21st, Guhl of the 45th and others:

A bill to amend Code Section 36-66-4 of the Official Code of Georgia Annotated, relating to hearings on proposed zoning decisions, so as to provide for zoning ordinances which automatically zone certain property which is annexed or deannexed subject to certain conditions; to provide for limitations.

The Senate State and Local Governmental Operations Committee offered the following amendment:

Amend SB 600 by striking line 27 on page 1 and inserting in lieu thereof the following:

“into such municipality have a”

By striking lines 31 and 32 on page 1 and inserting in lieu thereof the following:

“located the property deannexed have a common zoning ordinance with respect to zoning”

On the adoption of the amendment, the yeas were 30, nays 0, and the committee amendment was adopted.

Senator Crotts of the 17th offered the following amendment:

Amend SB 600 as follows: add on line 27 page 1 “into such municipality have a” and delete on line 27 page 1 after the word have, “a common planning board and ”

Add on line 31 and 32 “located the property deannexed have a common zoning ordinance with respect to zoning.”

Delete on line 31 and 32 “a common planning board and”

On the adoption of the amendment, the yeas were 29, nays 0, and the Crotts amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	EX	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	EX	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Egan	Y	Madden		Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	EX	Middleton		Tysinger
Glanton	EX	Oliver		Walker
Y Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 42, nays 0.

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

The President resumed the Chair.

SB 593. By Senator Thomas of the 10th:

A bill to amend Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to elections and primaries generally, so as to change a definition; to change provisions relating to the enforcement powers of the State Election Board; to provide a penalty for failure of a local election superintendent to complete the required minimum biennial training; to change provisions relating to applications for registration.

Senator Thomas of the 10th offered the following amendment:

Amend SB 593 by striking line 21 on page 2 and inserting in lieu thereof the following:

“individual, a governing authority which employs or”

By striking line 26 on page 2 and inserting in lieu thereof the following:

“(4) To require that restitution be paid to a state, county, or city governing”

By striking line 8 on page 14 and inserting in lieu thereof the following:

“precincts containing the county courthouse. After the close of the polls on the day of the election, such Such manager”

By striking line 25 on page 14 and inserting in lieu thereof the following:

“prescribed above. In no event shall the counting of the ballots begin before the polls close.”

On the adoption of the amendment, the yeas were 29, nays 0, and the Thomas of the 10th amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	EX Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Langford	Y Thomas,N
Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Tysinger
Y Glanton	EX Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 45, nays 0.

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

Senator Thomas of the 10th moved that SB 593 be immediately transmitted to the House.

On the motion, the yeas were 30, nays 0, and SB 593 was immediately transmitted.

SR 583. By Senators Burton of the 5th, Harbison of the 15th, Broun of the 46th and others:

A resolution commending Pete Wheeler and providing for the designation of the "Pete Wheeler Georgia War Veterans Memorial Complex"

The Senate Committee on Defense and Veterans Affairs offered the following substitute to SR 583:

A RESOLUTION

Commending Pete Wheeler and providing for the designation of the "Pete Wheeler Georgia War Veterans Memorial Plaza"; and for other purposes.

WHEREAS, Pete Wheeler was born on October 19, 1922, in Albany, Dougherty County, Georgia, graduated from Crawford High School, graduated from the University of Georgia with a B.S. degree, graduated from Atlanta Law School with LL.B. and LL.M. degrees, and graduated from Atlanta and Augusta Law School with a LL.D. degree; and

WHEREAS, Pete Wheeler completed four years of ROTC at the University of Georgia, served in the U.S. Army during World War II, from August 9, 1943, to March 7, 1946, as an instructor with the 79th Battalion Training Center-Camp Roberts, California, and then served in the Georgia Army National Guard from March 7, 1950, to June 30, 1978, retiring as a Brigadier General; and

WHEREAS, Pete Wheeler married Geraldine (Gerry) Odenweller in October, 1949, and after more than 48 years of marriage, they have three children and five grandchildren; and

WHEREAS, Pete wheeler was Director of the Education Division of the Georgia State Department of Veterans Service (SDVS) 1949-51, was Assistant Director of SDVS 1951-54, and became Director/Commissioner of Georgia SDVS on June 26, 1954, and is still serving in that capacity more than 43 years later; and

WHEREAS, Commissioner Pete Wheeler is America's "Dean" of State Directors/Commissioners of State Departments of Veterans Service/Affairs and has been recommended by the Georgia SDVS State Board for consecutive terms and has been sworn in by nine different Governors since 1954; and

WHEREAS, Commissioner Pete Wheeler is a Past President of the National Association of State Directors/Commissioners of Veterans Service/Affairs, is a member of the U.S. Veterans Advisory Committee, is a Life Member of the American Legion, DAV, 40 & 8, AMVETS, is a member of Clairmont Presbyterian Church with his wife, has been recognized with one or more honors by every veterans organization within Georgia and in America, has served since 1954 as Georgia's Chairman, National Veterans Day Committee, and was appointed on November 1, 1994, as National Chairman of the Advisory Committee for America's long overdue World War II Memorial; and

WHEREAS, Commissioner Pete Wheeler has worked personally with every President of America and Governor of Georgia since 1954 and has been instrumental in many innovative programs to benefit veterans and their families, including starting the first ever "State Supermarket of Veterans Benefits," in 1966, which has been held annually in Georgia for 31 years to date and is being duplicated in many other states; and

WHEREAS, Commissioner Pete Wheeler has been involved in creating the "Georgia War Veterans Memorial Complex," in front of the Floyd Veterans Memorial Building (Twin Towers at the State Capitol Complex), which includes the Vietnam Statues (dedicated 11/11/88), the Persian Gulf War Memorial (dedicated 3/10/93), the Korean War Memorial (dedicated 11/11/93), the World War II Memorial (dedicated 12/7/95), the Vietnam Wall (dedicated 10/30/97), and the World War I Memorial (to be dedicated 4/6/98), and once completed will display the names of over 11,000 Georgians who have died serving America's military and defending freedom worldwide in the 20th Century and will be the only complex of its kind in America; and

WHEREAS, Commissioner Pete Wheeler has worked with the Georgia General Assembly for over 43 years in bringing the best to Georgia's veterans and their families, while having his department serve as the premiere such entity in America and constantly taking care of veterans in an "above and beyond the call of duty" manner; and

WHEREAS, the State of Georgia is grateful to Commissioner Pete Wheeler and his life-long service to veterans and their families, and future Georgians and visitors to the Georgia War Veterans Memorial Complex can acknowledge his sacrifice and devotion to duty.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the members of this body commend Pete Wheeler for the decades of outstanding public service he has rendered on behalf of the citizens of this state and nation.

BE IT FURTHER RESOLVED that the Georgia Building Authority is authorized and directed to designate the plaza in front of the Floyd Veterans Memorial Building as the Pete Wheeler Georgia Memorial War Veterans Plaza and to erect and maintain an appropriate marker at the plaza for such purpose.

BE IT FURTHER RESOLVED that the Secretary of the Senate is authorized and directed to transmit an appropriate copy of this resolution to Pete Wheeler.

Senator Harbison of the 15th offered the following amendment:

Amend the ~~Senate Defense and Veterans Affairs~~ Committee substitute to SR 583 by striking "Georgia Memorial War Veterans Plaza" and inserting in its place "Georgia War Veterans Memorial Plaza" on line 4 of page 3.

On adoption of the amendment, the yeas were 30, nays 0, and the Harbison amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted as amended.

The report of the committee, which was favorable to the adoption of the resolution by substitute, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
	Blitch	Y	Harbison	Y	Ragan
Y	Boshears		Henson	EX	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James		Starr
Y	Burton	Y	Johnson,D	EX	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	EX	Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton		Tysinger
Y	Glanton	EX	Oliver	Y	Walker
Y	Gochenour		Perdue		

On the adoption of the resolution, the yeas were 43, nays 0.

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

Senator Burton of the 5th moved that SR 583 be immediately transmitted to the House.

On the motion, the yeas were 32, nays 0, and SR 583 was immediately transmitted.

SB 518. By Senators Taylor of the 12th, Harbison of the 15th, Burton of the 5th and others:

A bill to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates honoring United States armed forces veterans of the Chosin Reservoir Campaign of 1950 in North Korea.

Senators Taylor of the 12th and Streat of the 19th offered the following amendment:

Amend SB 518 by striking line 6 on page 1 and inserting in lieu thereof the following:

“campaign of 1950 in North Korea; to provide that all prestige and special license plates shall contain a space for a county name decal; to provide for related”

By adding after line 12 on page 1 the following:

“by striking in its entirety Code Section 40-2-81, relating to space for county name decal, and inserting in lieu thereof the following:

‘40-2-81.

(a) Notwithstanding any other law to the contrary, except as provided in subsection (b) of this Code section, any metal five-year special, distinctive, or prestige license plate, except those provided for in Code Section 40-2-61, Code Section 40-2-62, and Code Section 40-2-82, issued or reissued as authorized in this article from and after July 1, 1985, shall contain a space for a county name decal; and the provisions of this chapter relative to county name decals shall be applicable to all such license plates.

(b) The requirements of subsection (a) of this Code section shall apply to the following on or after January 1, 1990:

- (1) License plates provided for in Code Section 40-2-38;
- (2) License plates provided for in Code Sections 40-2-63 through 40-2-77; or
- (3) License plates issued to school buses, ambulances, or forest products haulers.’

SECTION 2.

Said chapter is further amended”

By renumbering existing Section 2 as Section 3.

On the adoption of the amendment, the yeas were 35, nays 0, and the Taylor, Streat amendment was adopted.

Senators Johnson of the 1st and Johnson of the 2nd offered the following amendment:

Amend SB 518 by inserting “to provide for special license plates commemorating certain veterans who served in the Eighth Air Force;” before “to” on line 6 of page 1.

By inserting between Section 1 and Section 2 the following:

“SECTION 1A.

Said article is further amended by adding a new Code Section 40-2-85.3 to read as follows:

‘40-2-85.3.

(a) Subject to subsection (d) of this Code section, motor vehicle owners who are residents of this state upon application and upon full compliance with the state motor vehicle laws in relation to registration and licensing of motor vehicles and upon payment of an additional fee of \$40.00, shall be issued a license plate for a private passenger vehicle upon which shall be inscribed a distinctive insignia commemorating veterans who served in the Eighth Air Force during World War II. The commissioner may consult with the Mighty Eighth Air Force Heritage Center, Inc., in the design of the special license plate authorized by this subsection.

(b) The license plate issued pursuant to this Code section shall be transferred between vehicles as provided in Code Section 40-2-80.

(c) Special license plates issued under this Code section shall be renewed annually with a revalidation decal as provided in Code Section 40-2-31 upon payment of an additional \$25.00 annual registration fee which fee shall be collected by the county tag

agent at the time of collection of other registration fees and remitted to the state as provided in Code Section 40-2-34. It shall be a requirement that a county name decal shall be affixed and displayed on license plates issued under this Code section.

(d) The commissioner shall retain all applications for such special license plates until a minimum of 250 applications have been received. If the commissioner does not receive the required minimum of 250 applications no later than July 31 of the year preceding the initial year of issuance of such plates, no such special plates shall be issued and all fees shall be refunded to applicants. Such license plates shall be issued in compliance with the state motor vehicle laws relating to registration and licensing of motor vehicles as prescribed in Article 2 of this chapter."

On the adoption of the amendment, the yeas were 33, nays 0, and the Johnson of the 1st and Johnson of the 2nd amendment was adopted.

Pursuant to Senate Rule 143, action on SB 518 was suspended, and the bill was placed on the Senate General Calendar.

SR 653. By Senator Brown of the 26th:

A resolution designating a portion of State Highway 19 in Macon as "Duane Allman Boulevard" and a bridge thereon as "Raymond Berry Oakley III Bridge" in honor and remembrance of late founding members of the Allman Brothers Band.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Tysinger
Y Glanton	EX Oliver	Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 45, nays 0.

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

Senator Lamutt of the 21st moved that Senator Streat of the 19th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Streat was excused.

The Calendar was resumed.

SR 593. By Senators Clay of the 37th, Price of the 56th and Lamutt of the 21st:

~~A resolution~~ creating the Joint State Income Tax Reform Study Commission.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	EX Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Tysinger
Y Glanton	EX Oliver	Walker
Y Gochenour	Y Perdue	

On the adoption of the resolution, the yeas were 47, nays 0.

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

SB 665. By Senator Langford of the 29th:

A bill to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to change certain provisions relating to group accident and sickness contracts and conversion privilege and continuation right provisions; to change certain provisions relating to the provisions in health insurance policies for coverage of newly born or adopted children.

The Senate Committee on Insurance and Labor offered the following substitute to SB 665:

A BILL

To be entitled an Act to amend Title 33 of the Official Code of Georgia Annotated, relating to insurance, so as to change certain provisions relating to group accident and sickness contracts and conversion privilege and continuation right provisions; to change certain provisions relating to the provisions in health insurance policies for coverage of newly born or adopted children; to change certain provisions relating to women's access to health care, health insurance, and required provisions disclosing an insured's right to direct access to obstetricians and gynecologists; to change certain provisions relating to the definitions of group accident and sickness insurance and association; to change certain provisions relating to required insurance policy provisions; to change certain provisions relating to rules and regulations relative to individual health insurance coverage availability and assignment systems and compensation to licensed insurance agents; to

change certain provisions relating to continuation of similar health insurance coverage, preexisting conditions, and procedures and guidelines; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 33 of the Official Code of Georgia Annotated, relating to insurance, is amended by striking Code Section 33-24-21.1, relating to group accident and sickness contracts and conversion privilege and continuation right provisions, and inserting in lieu thereof the following:

“33-24-21.1.

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

(1) ‘Creditable coverage’ under another health benefit plan means medical expense coverage with no greater than a ~~62~~ 90 day gap in coverage under any of the following:

(A) Medicare or Medicaid;

(B) An employer based accident and sickness insurance or health benefit arrangement;

(C) An individual accident and sickness insurance policy, including coverage issued by a health maintenance organization, nonprofit hospital or nonprofit medical service corporation, health care corporation, or fraternal benefit society;

(D) A spouse’s benefits or coverage under medicare or Medicaid or an employer based health insurance or health benefit arrangement;

(E) A conversion policy;

(F) A franchise policy issued on an individual basis to a member of a true association as defined in subsection (b) of Code Section 33-30-1;

(G) A health plan formed pursuant to 10 U.S.C. Chapter 55;

(H) A health plan provided through the Indian Health Service or a tribal organization program or both;

(I) A state health benefits risk pool;

(J) A health plan formed pursuant to 5 U.S.C. Chapter 89;

(K) A public health plan; or

(L) A Peace Corps Act health benefit plan.

(2) ‘Eligible dependent’ means a person who is entitled to medical benefits coverage under a group contract or group plan by reason of such person’s dependency on or relationship to a group member.

(3) ‘Group contract or group plan’ is synonymous with the term ‘contract or plan’ and means:

(A) A group contract of the type issued by a nonprofit medical service corporation established under Chapter 18 of this title;

(B) A group contract of the type issued by a nonprofit hospital service corporation established under Chapter 19 of this title;

(C) A group contract of the type issued by a health care plan established under Chapter 20 of this title;

(D) A group contract of the type issued by a health maintenance organization established under Chapter 21 of this title; or

(E) A group accident and sickness insurance policy or contract, as defined in Chapter 30 of this title.

(4) 'Group member' means a person who has been a member of the group for at least six months and who is entitled to medical benefits coverage under a group contract or group plan and who is an insured, certificate holder, or subscriber under the contract or plan.

(5) 'Insurer' means an insurance company, health care corporation, nonprofit hospital service corporation, medical service nonprofit corporation, health care plan, or health maintenance organization.

(6) 'Qualifying eligible individual' means:

(A) A Georgia domiciliary, for whom, as of the date on which the individual seeks coverage under this Code section, the aggregate of the periods of creditable coverage is 18 months or more; and

(B) Who is not eligible for coverage under any of the following:

(i) A group health plan, including continuation rights under this Code section or the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA);

(ii) Part A or Part B of Title XVIII of the federal Social Security Act; or

(iii) The state plan under Title XIX of the federal Social Security Act or any successor program.

(b) Each group contract or group plan delivered or issued for delivery in this state, other than a group accident and sickness insurance policy, contract, or plan issued in connection with an extension of credit, which provides hospital, surgical, or major medical coverage, or any combination of these coverages, on an expense incurred or service basis, excluding contracts and plans which provide benefits for specific diseases or accidental injuries only, shall provide that members and qualifying eligible individuals whose insurance under the group contract or plan would otherwise terminate shall be entitled to continue their hospital, surgical, and major medical insurance coverage under that group contract or plan for themselves and their eligible dependents.

(c) Any group member or qualifying eligible individual whose coverage has been terminated and who has been continuously covered under the group contract or group plan, and under any contract or plan providing similar benefits which it replaces, for at least six months immediately prior to such termination, shall be entitled to have his or her coverage and the coverage of his or her eligible dependents continued under the contract or plan. Such coverage must continue for the fractional policy month remaining, if any, at termination plus three additional policy months upon payment of the premium by cash, certified check, or money order, at the option of the employer, to the policyholder or employer, at the same rate for active group members set forth in the contract or plan, on a monthly basis in advance as such premium becomes due during this coverage period. Such premium payment must include any portion of the premium paid by a former employer or other person if such employer or other person no longer contributes premium payments for this coverage. At the end of such period, the group member shall have the same conversion rights that were available on the date of termination of coverage in accordance with the conversion privileges contained in the group contract or group plan.

(d)(1) A group member shall not be entitled to have coverage continued if: (A) termination of coverage occurred because the employment of the group member was terminated for cause; (B) termination of coverage occurred because the group member failed to pay any required contribution; or (C) any discontinued group coverage is immediately replaced by similar group coverage including coverage under a health benefits plan as defined in the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq. Further, a group member shall not be entitled to have coverage continued if the group contract or group plan was terminated in its entirety or was terminated with respect to a class to which the group member belonged. This subsection shall not affect conversion rights available to a qualifying eligible individual under any contract or plan.

(2) A qualifying eligible individual shall not be entitled to have coverage continued if the most recent creditable coverage within the coverage period was terminated based on one of the following factors: (A) failure of the qualifying eligible individual to pay premiums or contributions in accordance with the terms of the health insurance coverage or failure of the issuer to receive timely premium payments; (B) the qualifying eligible individual has performed an act or practice that constitutes fraud or made an intentional misrepresentation of material fact under the terms of coverage; or (C) any discontinued group coverage is immediately replaced by similar group coverage including coverage under a health benefits plan as defined in the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq. This subsection shall not affect conversion rights available to a group member under any contract or plan.

(e) If the group contract or group plan terminates while any group member or qualifying eligible individual is covered or whose coverage is being continued, the group administrator, as prescribed by the insurer, must notify each such group member or qualifying eligible individual that he or she must exercise his or her conversion rights within:

(1) Thirty days of such notice for group members who are not qualifying eligible individuals; or

(2) ~~Sixty-two~~ Sixty-three days of such notice for qualifying eligible individuals.

(f) Every group contract or group plan, other than a group accident and sickness insurance policy, contract, or plan issued in connection with an extension of credit, which provides hospital, surgical, or major medical expense insurance, or any combination of these coverages, on an expense incurred or service basis, excluding policies which provide benefits for specific diseases or for accidental injuries only, shall contain a conversion privilege provision.

(g) Eligibility for the converted policies or contracts shall be as follows:

(1) Any qualifying eligible individual whose insurance and its corresponding eligibility under the group policy, including any continuation available, elected, and exhausted under this Code section or the federal Consolidated Omnibus Budget Reconciliation Act of 1986 (COBRA), has been terminated for any reason other than fraud or failure of the qualifying eligible individual to pay a required premium contribution and who has at least 18 months of creditable coverage immediately prior to termination ~~with no greater than a 62-day gap in coverage~~, shall be entitled, without evidence of insurability, to convert to individual or group based coverage covering such qualifying eligible individual and any eligible dependents who were covered under the qualifying eligible individual's coverage under the group contract or group

plan. The insurer must offer qualifying eligible individuals at least two distinct conversion options from which to choose. One such choice of coverage shall be comparable to comprehensive health insurance coverage offered in the individual market in this state or comparable to a standard option of coverage available under the group or individual health insurance laws of this state. The other choice may be more limited in nature but must also qualify as creditable coverage. Each coverage shall be filed, together with applicable rates, for approval by the Commissioner. Such choices shall be known as the 'Enhanced Conversion Options';

(2) Premiums for the enhanced conversion options for all qualifying eligible individuals shall be determined in accordance with the following provisions:

(A) Solely for purposes of this subsection, the claims experience produced by all groups covered under comprehensive major medical or hospitalization accident and sickness insurance for each insurer shall be fully pooled to determine the group pool rate. Except to the extent that the claims experience of an individual group affects the overall experience of the group pool, the claims experience produced by any individual group of each insurer shall not be used in any manner for enhanced conversion policy rating purposes;

(B) Each insurer's group pool shall consist of each insurer's total claims experience produced by all groups in this state, regardless of the marketing mechanism or distribution system utilized in the sale of the group insurance from which the qualifying eligible individual is converting. The pool shall include the experience generated under any medical expense insurance coverage offered under separate group contracts and contracts issued to trusts, multiple employer trusts, or association groups or trusts, including trusts or arrangements providing group or group-type coverage issued to a trust or association or to any other group policyholder where such group or group-type contract provides coverage, primarily or incidentally, through contracts issued or issued for delivery in this state or provided by solicitation and sale to Georgia residents through an out-of-state multiple employer trust or arrangement; and any other group-type coverage which is determined to be a group shall also be included in the pool for enhanced conversion policy rating purposes; and

(C) Any other factors deemed relevant by the Commissioner may be considered in determination of each enhanced conversion policy pool rate so long as it does not have the effect of lessening the risk-spreading characteristic of the pooling requirement. Duration since issue and tier factors may not be considered in conversion policy rating. Notwithstanding subparagraph (A) of this paragraph, the total premium calculated for all enhanced conversion policies may deviate from the group pool rate by not more than plus or minus 50 percent based upon the experience generated under the pool of enhanced conversion policies so long as rates do not deviate for similarly situated individuals covered through the pool of enhanced conversion policies;

(3) Any group member who is not a qualifying eligible individual and whose insurance under the group policy has been terminated for any reason other than eligibility for medicare (reaching a limiting age for coverage under the group policy) or failure of the group member to pay a required premium contribution, and who has been continuously covered under the group contract or group plan, and under any contract or plan providing similar benefits which it replaces, for at least six months immediately prior to termination shall be entitled, without evidence of insurability, to convert to individual or group coverage covering such group member and any eligi-

ble dependents who were covered under the group member's coverage under the group contract or group plan. The premium of the basic converted policy shall be determined in accordance with the insurer's table of premium rates applicable to the age and classification of risks of each person to be covered under that policy and to the type and amount of coverage provided. This form of conversion coverage shall be known as the 'Basic Conversion Option'; and

(4) Nothing in this Code section shall be construed to prevent an insurer from offering additional options to qualifying eligible individuals or group members.

(h) Each group certificate issued to each group member or qualifying eligible individual, in addition to setting forth any conversion rights, shall set forth the continuation right in a separate provision bearing its own caption. The provisions shall clearly set forth a full description of the continuation and conversion rights available, including all requirements, limitations, and exceptions, the premium required, and the time of payment of all premiums due during the period of continuation or conversion.

(i) This Code section shall not apply to limited benefit insurance policies. For the purposes of this Code section, the term 'limited benefit insurance' means accident and sickness insurance designed, advertised, and marketed to supplement major medical insurance. The term limited benefit insurance includes accident only, CHAMPUS supplement, dental, disability income, fixed indemnity, long-term care, medicare supplement, specified disease, vision, and any other accident and sickness insurance other than basic hospital expense, basic medical-surgical expense, and comprehensive major medical insurance coverage.

(j) The Commissioner shall adopt such rules and regulations as he or she deems necessary for the administration of this Code section. Such rules and regulations may prescribe various conversion plans, including minimum conversion standards and minimum benefits, but not requiring benefits in excess of those provided under the group contract or group plan from which conversion is made, scope of coverage, preexisting limitations, optional coverages, reductions, notices to covered persons, and such other requirements as the Commissioner deems necessary for the protection of the citizens of this state.

(k) This Code section shall apply to all group plans and group contracts delivered or issued for delivery in this state on or after ~~January~~ July 1, 1998, and to group plans and group contracts then in effect on the first anniversary date occurring on or after ~~January~~ July 1, 1998."

SECTION 2.

Said title is further amended by striking Code Section 33-24-22, relating to the provisions in health insurance policies for coverage of newly born or adopted children, and inserting in lieu thereof the following:

"33-24-22.

(a) All individual and group health insurance policies providing coverage on an expense incurred basis and individual and group service or indemnity type contracts issued by a nonprofit corporation which, under the terms of such policies, provide coverage for a family member of the insured or subscriber shall, as to the family members' coverage, also provide that the health insurance benefits applicable for children shall be payable with respect to a newly born child of the insured or subscriber from the moment of birth. A newly born child of the insured or subscriber shall include an

adopted child. The coverage for the adopted child shall be effective from the date of the placement for adoption or final decree of adoption, whichever occurs first.

(b) The coverage for newly born children or adopted children shall consist of coverage of injury or sickness, including the necessary care and treatment of medically diagnosed congenital defects and birth abnormalities, but need not include benefits for routine well baby care.

(c) If payment of a specific premium or subscription fee is required to provide coverage for a child, the policy or contract may require that notification of birth of a newly born child or the date of the placement for adoption or final adoption of a child and payment of the required premium or fees must be furnished to the insurer or nonprofit service or indemnity corporation within 31 days after the date of birth, placement for adoption, or final decree of adoption, whichever is applicable, in order to have the coverage continue beyond the 31 day period.

(d) This Code section shall not apply to persons adopted as adults pursuant to the provisions of Code Section 19-8-21, relating to the adoption of adult persons.

(e) The requirements of this Code section shall apply to all insurance policies and subscriber contracts delivered or issued for delivery in this state on or after July 1, ~~1988~~ 1998."

SECTION 3.

Said title is further amended by striking Code Section 33-24-59, relating to women's access to health care, health insurance, and required provisions disclosing an insured's right to direct access to obstetricians and gynecologists, and inserting in lieu thereof the following:

"33-24-59.

(a) The General Assembly finds and declares that the specialty of obstetrics and gynecology is devoted to health care of women throughout their lifetimes.

(b)(1) As used in this Code section, the term 'health benefit policy' means any individual major medical or group plan, policy, or contract for health care services issued, delivered, issued for delivery, or renewed in this state by a health care corporation, health maintenance organization, accident and sickness insurer, fraternal benefit society, nonprofit hospital service corporation, nonprofit medical service corporation, or similar entity.

(2) Any accident and sickness policies, plans, or contracts which contain no provisions which require referrals from another physician for coverage of the services of an obstetrician or gynecologist shall not be required to give the notice required in subsection (d) of this Code section.

(c) No health benefit policy which is issued, delivered, issued for delivery, or renewed in this state on or after July 1, 1996, shall require as a condition to the coverage of services of an obstetrician or gynecologist who is within the health benefit policy network of health care providers that an enrollee, subscriber, or insured first obtain a referral from another physician; provided, however, that the services covered by this subsection shall be limited to those services defined by the published recommendations of the Accreditation Council For Graduate Medical Education for training as an obstetrician or gynecologist, including but not limited to diagnosis, treatment, and referral.

(d) Each health benefit policy which is issued, delivered, issued for delivery, or renewed in this state on or after July 1, 1996, shall disclose to enrollees, subscribers, or

insureds, in clear, accurate language, such person's right to direct access to obstetricians and gynecologists as provided in this Code section. Such information shall be disclosed to each such person at the time of enrollment or otherwise first becoming an enrollee, subscriber, or insured, and at least annually thereafter."

SECTION 4.

Said title is further amended by striking paragraph (2) of subsection (b) of Code Section 33-29-3, relating to required insurance policy provisions, and inserting in lieu thereof the following:

"(2) Time limit on certain defenses.

(A) After two years from the date of issue of this policy and in the absence of fraud, no misstatements made by the applicant in the application for such policy shall be used to void the policy or to deny a claim for loss incurred or disability, as defined in the policy, commencing after the expiration of such two-year period. In order for the insurer to void the policy or to deny a claim for loss incurred or disability based upon an applicant's fraudulent misstatement in an application, a copy of such application must be furnished to the policyholder or his or her beneficiary, and such fraudulent misstatement must have been in writing, must be material to the risk assumed by the insurer, and, in the case of a claim, must also relate to the specific type of loss or disability for which the claim is made.

(i) The policy provision in subparagraph (A) of this paragraph shall not be so construed as to affect any legal requirements for avoidance of a policy or denial of a claim during such initial two-year period, nor to limit the application of paragraphs (1) through (3) of subsection (b) of Code Section 33-29-4 in the event of misstatement with respect to age or occupation or other insurance. For purposes of this paragraph, fraud means the willful misrepresentation of a material fact.

(ii) A policy which the insurer has the right to continue in force subject to its terms by the timely payment of premium until at least age 60 or, in the case of a policy issued after age 54, for at least five years from its date of issue may contain in lieu of the provisions of subparagraph (A) of this paragraph the following provision, from which the clause in brackets may be omitted at the insurer's option, under the caption 'incontestable': After In the absence of fraud and after this policy has been in force for a period of two years during the lifetime of the insured, excluding any period during which the insured is disabled, it shall become incontestable as to the statements contained in the application.

(B) In the absence of fraud, no No claim for loss incurred or disability, as defined in the policy, commencing after two years from the date of issue of this policy shall be reduced or denied on the ground that a disease or physical condition not excluded from coverage by name or specific description effective on the date of loss had existed prior to the effective date of coverage of this policy."

SECTION 5.

Said title is further amended by striking subsection (b) of Code Section 33-29A-8, relating to rules and regulations relative to individual health insurance coverage availability and assignment systems and compensation to licensed insurance agents, and inserting in lieu thereof the following:

"(b) The rules and regulations developed by the Commissioner shall include provisions for applications for GHIAS and GHBAS to be submitted by licensed insurance agents

and for such agents to be compensated at a commission rate of not less than 3 percent from the premiums received by the issuing health insurer or managed care organization. For purposes of applications for GHIAS and GHBAS, licensed agents shall not be subject to the certificate of authority requirements of subsection (b) of Code Section 33-23-4."

SECTION 6.

Said title is further amended by striking subsection (b) of Code Section 33-30-1, relating to the definitions of group accident and sickness insurance and association, and inserting in lieu thereof the following:

"(b) As used in this chapter, the term 'true association' means an organization that:

- (1) Has been in existence for at least five years;
- (2) Has been formed and maintained in good faith for purposes other than obtaining insurance;
- (3) Does not condition membership in the association on any health status related factor relating to an individual (including an employee of an employer or a dependent of an employee);
- (4) Makes health insurance coverage offered through the association available to all members regardless of any health status related factor relating to such members (or individual eligible for coverage through a member);
- (5) Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and
- (6) Meets such additional requirements as may be imposed under Georgia law or regulation."

SECTION 7.

Said title is further amended by striking Code Section 33-30-15, relating to continuation of similar health insurance coverage, preexisting conditions, and procedures and guidelines, and inserting in lieu thereof the following:

"33-30-15.

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

- (1) 'Affiliation period' means a period, used by health maintenance organizations in lieu of a preexisting condition exclusion clause, beginning on the enrollment date, which must expire before health insurance coverage provided by a health maintenance organization becomes effective. The health maintenance organization is not required to provide health care benefits during such period, nor is it authorized to charge premiums over such a period.
- (2) 'Creditable coverage' under another health benefit plan means medical expense coverage with no greater than a 90 day gap in coverage under any of the following:
 - (A) Medicare or Medicaid;
 - (B) An employer based accident and sickness insurance or health benefit arrangement;
 - (C) An individual accident and sickness insurance policy, including coverage issued by a health maintenance organization, nonprofit hospital or nonprofit medical service corporation, health care corporation, or fraternal benefit society;

(D) A spouse's benefits or coverage under Medicare or Medicaid or an employer based health insurance or health benefit arrangement;

(E) A conversion policy;

(F) A franchise policy issued on an individual basis to a member of a true association as defined in subsection (b) of Code Section 33-30-1;

(G) A health plan formed pursuant to 10 U.S.C. Chapter 55;

(H) A health plan provided through the Indian Health Service or a tribal organization program or both;

(I) A state health benefits risk pool;

(J) A health plan formed pursuant to 5 U.S.C. Chapter 89;

(K) A public health plan; or

(L) A Peace Corps Act health benefit plan.

(3) 'Insurer' means an accident and sickness insurer, fraternal benefit society, non-profit hospital service corporation, nonprofit medical service corporation, health care corporation, health maintenance organization, or any similar entity and any self-insured health care plan not subject to the exclusive jurisdiction of the federal Employee Retirement Income Security Act of 1974, 29 U.S.C. Section 1001, et seq.

(4) 'Newly eligible employee' means a Georgia domiciled employee or the dependent of a currently enrolled Georgia domiciled employee who has creditable coverage and who first becomes eligible to elect coverage under an employer sponsored comprehensive major medical or hospitalization plan. A newly eligible employee also includes:

(A) During a special enrollment period, existing employees and existing dependents of existing employees who declined coverage when first offered because of the existence of other creditable coverage, if all the following conditions are met:

(i) The employee or employee's dependent had creditable coverage at such time when the group coverage was first offered;

(ii) The employee stated in writing that such creditable coverage was the reason for declining enrollment in group coverage, if such statement is required by the employer;

(iii) The coverage of the employee or employee's dependent was under COBRA and has been exhausted or the creditable coverage was terminated as a result of loss of eligibility for the creditable coverage or employer contributions toward such creditable coverage were terminated; and

(iv) The employee requests such enrollment not later than ~~30~~ 31 days after the date of exhaustion or termination of the creditable coverage; or

(B) In the case of marriage, if the employee requests such enrollment not later than ~~30~~ 31 days following the date of marriage or the date dependent coverage is first made available, whichever is later, coverage of the spouse shall commence not later than the first day of the first month beginning after the date the completed request for enrollment is received.

(b) Notwithstanding any other provision of this title which might be construed to the contrary, on and after July 1, ~~1997~~ 1998, all group basic hospital or medical expense, major medical, or comprehensive medical expense coverages which are issued, delivered, issued for delivery, or renewed in this state shall provide the following:

- (1) Subject to compliance with the provisions of subsections (c) and (d) of this Code section, any newly eligible employee, member, subscriber, enrollee, or dependent who has had creditable coverage under another health benefit plan within the previous 90 days shall be eligible for coverage immediately upon completion of any employer imposed waiting period; and
- (2) Once such creditable coverage terminates, including termination of such creditable coverage after any period of continuation of coverage required under Code Section 33-24-21.1 or the provisions of Title X of the Omnibus Budget Reconciliation Act of 1986, the insurer must offer a conversion policy to the eligible employee, member, subscriber, enrollee, or dependent.
- (c) Notwithstanding any provisions of this Code section which might be construed to the contrary, such coverages may include a limitation for preexisting conditions not to exceed 12 months for enrollees who enroll when newly eligible and 18 months for late enrollees following the effective date of coverage; provided, however, that:
- (1) Such coverages shall waive any time period applicable to the preexisting condition exclusion or limitation for the period of time an individual was previously covered by creditable coverage; or
- (2) Such coverages shall waive any time period applicable to the preexisting condition exclusion or limitation in accordance with an insurer's election of an alternative method pursuant to Section 701(c)(3)(B) of the Employee Retirement Income Security Act of 1974.
- (d) The preexisting condition limitation described in subsection (c) of this Code section shall not apply to pregnancies.
- (e) The preexisting condition limitation described in subsection (c) of this Code section shall not apply to newborn children or newly adopted children where such children are added to the plan by the insured no later than ~~30~~ 31 days following the date of birth or the date placed for adoption under order of the court of jurisdiction.
- (f) In case of a group health plan offered by a health maintenance organization, an affiliation period may be offered in place of the preexisting condition limitation described in subsection (c) of this Code section, provided that the affiliation period:
- (1) Is applied uniformly without regard to any health status related factors;
- (2) Does not exceed:
- (A) Two months for newly eligible employees and dependents; or
- (B) Three months for late enrollees; and
- (3) Runs concurrently with any employer imposed waiting period under the plan.
- (g) The Commissioner shall promulgate appropriate procedures and guidelines by rules and regulations to implement the provisions of this Code section after notification and review of such regulations by the appropriate standing committees of the House of Representatives and Senate in accordance with the requirements of applicable law. The Commissioner may allow in such regulations methods other than that described in subsection (f) of this Code section for health maintenance organizations to address adverse selection, as authorized by the Employee Retirement Income Security Act of 1974, Section 701(g)(3). ~~Nothing in this Code section shall be construed to prohibit the Commissioner and any insurers with a desire to do so from mutually agreeing on procedures, rules, regulations, and guidelines and from implementing the provisions of this Code section on a voluntary basis before July 1, 1997.~~

SECTION 8.

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

Senators Brush of the 24th and Langford of the 29th offered the following amendment: Amend the committee substitute to SB 665 by inserting in the title immediately before the phrase "to repeal conflicting laws;" the following:

"to amend Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, so as to prohibit issuance of Class M drivers' licenses and Class M commercial drivers' licenses to certain persons under certain conditions; to change certain provisions relating to headgear and eye-protective devices for motorcycle riders;"

By inserting between Section 7 and Section 8 the following:

"SECTION A.

Title 40 of the Official Code of Georgia Annotated, relating to motor vehicles and traffic, is amended by adding to Code Section 40-5-22, relating to persons not to be licensed, a new subsection (d) to read as follows:

'(d)(1)(A) This subsection shall not apply to any person prior to January 1, 1999.

(B) From January 1, 1999, through December 31, 1999, this subsection shall apply only to persons under 21 years of age.

(C) On and after January 1, 2000, this subsection shall apply to all persons.

(2) The department shall not issue a Class M driver's license or new Class M commercial driver's license to an applicant unless he or she presents a certificate or other acceptable evidence to the department which indicates satisfactory completion of a motorcycle operator safety training program approved by the board, but this requirement shall not apply with respect to renewal of a previously issued license. All persons completing the motorcycle operator safety training program shall be encouraged but not required to sign an organ donor card.'

SECTION B.

Said title is further amended by striking subsection (a) of Code Section 40-6-315, relating to headgear and eye-protective devices for motorcycle riders, and inserting in lieu thereof the following:

'(a) No person shall operate ~~or ride upon~~ a motorcycle unless he such person is:

(1) Wearing ~~wearing~~ protective headgear which complies with standards established by the Board of Public Safety; or

(2) Twenty-one years of age or older and:

(A) Presents a certificate or other acceptable evidence to the department which indicates satisfactory completion of a motorcycle operator safety training program approved by the Board of Public Safety; or

(B) Presents a certificate or other acceptable evidence which indicates such person is covered by a plan, policy, or contract of accident and sickness insurance as defined by Code Section 33-7-2."

Senator Thompson of the 33rd requested a ruling by the Chair on the germaneness of the Brush, Langford amendment.

The President ruled the amendment not germane.

Senator Langford of the 29th offered the following amendment:

Amend the committee substitute to SB 665 by striking on page 10, line 19, the words "major medical"

On the adoption of the amendment, the yeas were 35, nays 0, and the Langford amendment was adopted.

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	EX Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Y Langford	N Thomas,N
Y Egan	Y Madden	Y Thompson
Fort	Y Marable	Y Turner
Y Gillis	EX Middleton	Tysinger
Y Glanton	EX Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 47, nays 1.

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

SB 633. By Senators Ralston of the 51st, Johnson of the 1st and Roberts of the 30th:

A bill to amend Chapter 1 of Title 1 of the Official Code of Georgia Annotated, relating to general provisions, so as to provide that persons who are ordered to perform community service shall perform the required number of hours of such service exclusive of time spent in traveling to or from the place of work.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Burton	Y Gillis
Y Balfour	Y Cagle	Y Glanton
Y Blitch	Y Cheeks	Y Gochenour
Y Boshears	Y Clay	Y Griffin
Y Bowen	Y Crotts	Y Guhl
Y Broun, 46th	Y Dean	Y Harbison
Y Brown, 26th	Y Egan	Y Henson
Y Brush	Y Fort	Y Hill

Y	Hooks	Y	Middleton	EX	Stokes
Y	Huggins	EX	Oliver	EX	Streat
N	James	Y	Perdue	Y	Tanksley
	Johnson,D	Y	Price,R	Y	Taylor
Y	Johnson,E	Y	Price,T	EX	Thomas,D
Y	Kemp	Y	Ragan	Y	Thomas,N
Y	Lamutt	Y	Ralston	Y	Thompson
Y	Land	Y	Ray	Y	Turner
Y	Langford	Y	Roberts		Tysinger
Y	Madden	Y	Scott		Walker
Y	Marable	Y	Starr		

On the passage of the bill, the yeas were 48, nays 1.

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

SB 656. By Senator Langford of the 29th:

A bill to amend Article 5 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to group self-insurance workers' compensation funds, so as to provide that the Commissioner of Insurance may contract with private examiners to accomplish such examinations; to provide for the payment of such examinations.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	N	James	Y	Starr
Y	Burton	Y	Johnson,D	EX	Stokes
Y	Cagle	Y	Johnson,E	EX	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts		Land	EX	Thomas,D
Y	Dean	Y	Langford	N	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton		Tysinger
Y	Glanton	EX	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 48, nays 2.

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

SR 648. By Senators Johnson of the 1st, Johnson of the 2nd and Boshears of the 6th:

A resolution designating portions of Interstate 95 in honor of Tom Coleman and Mack Mattingly, respectively.

The Senate Transportation Committee offered the following amendment:

Amend SR 648 by striking from line 25 of page 1 the word "Sea" and inserting in lieu thereof the following:

"St. Simons"

On the adoption of the amendment, the yeas were 34, nays 0, and the committee amendment was adopted.

Senators Boshears of the 6th and Kemp of the 3rd offered the following amendment:

Amend SR 648 by inserting following the word "County" on line 5 of page 2 the following:

"from the Camden County line to Highway 341 at exit 7A and B"

On the adoption of the amendment, the yeas were 35, nays 0, and the Boshears, Kemp amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution as amended, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour		Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
Y Cagle	Y	Johnson,E	EX	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	EX	Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton		Tysinger
Y Glanton	EX	Oliver	Y	Walker
Y Gochenour	Y	Perdue		

On the adoption of the resolution, the yeas were 45, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended.

Senator Walker of the 22nd moved that the Senate adjourn until 9:00 A.M. tomorrow; the motion prevailed, and at 5:52 P.M., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Friday, March 6, 1998
Thirty-third Legislative Day

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The Senate met pursuant to adjournment at 9:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1452. By Representative Orrock of the 56th:

A bill to amend an Act creating and establishing a purchasing department in certain counties of this state, so as to change the provisions relative to public letting and bids; to change the provisions relative to advertisement of bids.

HB 1794. By Representative Hudgens of the 24th:

A bill to provide for up to two advisory referendum elections to be held in Madison County for the purpose of determining the type of county government desired by the people of Madison County.

HB 1796. By Representative Hanner of the 159th:

A bill to amend an Act reconstituting the Board of Education of Webster County and providing for its powers, duties, rights, obligations, and liabilities and subjecting it to certain constitutional and statutory provisions, so as to change the composition of education districts from which members of the board of education are elected.

HB 1807. By Representatives Hammontree of the 4th and Mann of the 5th:

A bill to provide a homestead exemption from City of Dalton ad valorem taxes for city purposes and a homestead exemption from City of Dalton Independent School District ad valorem taxes for educational purpose in the amount of \$75,000.00 of the assessed value of the homestead for each resident of the City of Dalton who is 65 years of age or over and whose annual net income does not exceed \$20,000.00.

HB 1811. By Representatives Bordeaux of the 151st, Thomas of the 148th, Mueller of the 152nd and others:

A bill to amend an Act creating the Chatham-Savannah Authority for the Homeless, so as to change the provisions relating to the membership, terms, appointment, and purposes of the authority.

HB 1814. By Representatives Sauder of the 29th, Manning of the 32nd, Bradford of the 30th and others:

A bill to amend an Act creating a new charter for the City of Smyrna, so as to change the corporate limits.

HB 1815. By Representative Parrish of the 144th:

A bill to create the Emanuel County Jail Authority and to authorize such authority to acquire, construct, equip, maintain, and operate jails and other public facilities.

HB 1817 By Representative Powell of the 23rd:

A bill to amend an Act creating the Hart County Industrial Development Authority, so as to eliminate a provision expressing the intention of the General Assembly.

HB 1818. By Representatives Lane of the 146th and Martin of the 145th:

A bill to amend an Act entitled "An Act creating the State Court of Bulloch County," so as to provide that the solicitor-general of the state court shall be full time and may not engage in the private practice of law.

HB 1820. By Representative Hudson of the 120th:

A bill to amend an Act creating a Board of Commissioners of Hancock County, so as to change the provisions relating to the compensation and expense allowance of the chairperson and other members of the board of commissioners.

HB 1784. By Representatives Royal of the 164th, Murphy of the 18th, Coleman of the 142nd and others:

A bill to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and collection of sales and use taxes, so as to provide for the distribution of certain unidentifiable sales and use tax proceeds; to provide for a definition.

HB 1250. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill to make and provide appropriations for the State Fiscal Year beginning July 1, 1998, and ending June 30, 1999.

SB 664. By Senators Clay of the 37th and Lamutt of the 21st:

A bill to amend an Act providing for the compensation of the judge of the Juvenile Court of Cobb County, as amended, so as to provide for a change in the compensation of the judges of the Juvenile Court of Cobb County; to provide for related matters; to provide for an effective date.

SB 673. By Senator Griffin of the 25th:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Morgan County; to provide for the requirements and procedures of the nonpartisan nomination and election; to provide for related matters; to provide for the authority for this Act; to provide for an effective date.

The House has agreed to the Senate amendment to the following bill of the House:

HB 1609. By Representatives Roberts of the 162nd, Everett of the 163rd and Dukes of the 161st:

A bill to amend an Act creating a new charter for the City of Albany, so as to provide for staggered terms of office of four years for the mayor and city commissioners.

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

SB 651. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to provide homestead exemptions from Glynn County ad valorem taxes for county purposes for certain residents of that county; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for the specific repeal of an Act approved March 16, 1994, relating to homestead exemptions for such county; to provide for applicability.

The following bill was introduced, read the first time and referred to committee:

SB 709. By Senator Crotts of the 17th:

A bill to create the State Court of Henry County; to specify the location of the court and provide for facilities therefor; to provide for jurisdiction, powers, practice, and procedure; to provide for terms of court; to specify business hours of the court; to specify costs and fees; to provide for transfer of certain matters from the Superior Court of Henry County.

Referred to Committee on State and Local Governmental Operations.

The following bills were read the first time and referred to committees:

HB 1250. By Representatives Murphy of the 18th, Coleman of the 142nd, Walker of the 141st and others:

A bill to make and provide appropriations for the State Fiscal Year beginning July 1, 1998, and ending June 30, 1999.

Referred to Committee on Appropriations.

HB 1452. By Representative Orrock of the 56th:

A bill to amend an Act creating and establishing a purchasing department in certain counties of this state, so as to change the provisions relative to public letting and bids; to change the provisions relative to advertisement of bids.

Referred to Committee on State and Local Governmental Operations (General).

HB 1683. By Representatives Roberts of the 162nd, Tillman of the 173rd and James of the 140th:

A bill to amend Chapter 47 of Title 43 of the Official Code of Georgia Annotated, relating to used motor vehicle dealers and used motor vehicle parts dealers, so as to define and redefine terms; to make it unlawful for the owner or lessee of real property to allow to be or have certain used motor vehicles displayed or parked on such property for the purpose of selling or advertising the sale of such vehicles.

Referred to Committee on Consumer Affairs.

HB 1784. By Representatives Royal of the 164th, Murphy of the 18th, Coleman of the 142nd and others:

A bill to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and collection of sales and use taxes, so as to provide for the distribution of certain unidentifiable sales and use tax proceeds; to provide for a definition.

Referred to Committee on Finance and Public Utilities.

HB 1794. By Representative Hudgens of the 24th:

A bill to provide for up to two advisory referendum elections to be held in Madison County for the purpose of determining the type of county government desired by the people of Madison County.

Referred to Committee on State and Local Governmental Operations.

HB 1796. By Representative Hanner of the 159th:

A bill to amend an Act reconstituting the Board of Education of Webster County and providing for its powers, duties, rights, obligations, and liabilities and subjecting it to certain constitutional and statutory provisions, so as to change the composition of education districts from which members of the board of education are elected.

Referred to Committee on State and Local Governmental Operations.

HB 1807. By Representatives Hammontree of the 4th and Mann of the 5th:

A bill to provide a homestead exemption from City of Dalton ad valorem taxes for city purposes and a homestead exemption from City of Dalton Independent School District ad valorem taxes for educational purpose in the amount of \$75,000.00 of the assessed value of the homestead for each resident of the City of Dalton who is 65 years of age or over and whose annual net income does not exceed \$20,000.00.

Referred to Committee on State and Local Governmental Operations.

HB 1811. By Representatives Bordeaux of the 151st, Thomas of the 148th, Mueller of the 152nd and others:

A bill to amend an Act creating the Chatham-Savannah Authority for the Homeless, so as to change the provisions relating to the membership, terms, appointment, and purposes of the authority.

Referred to Committee on State and Local Governmental Operations.

HB 1814. By Representatives Sauder of the 29th, Manning of the 32nd, Bradford of the 30th and others:

A bill to amend an Act creating a new charter for the City of Smyrna, so as to change the corporate limits.

Referred to Committee on State and Local Governmental Operations.

HB 1815. By Representative Parrish of the 144th:

A bill to create the Emanuel County Jail Authority and to authorize such authority to acquire, construct, equip, maintain, and operate jails and other public facilities.

Referred to Committee on State and Local Governmental Operations.

HB 1817. By Representative Powell of the 23rd:

A bill to amend an Act creating the Hart County Industrial Development Authority, so as to eliminate a provision expressing the intention of the General Assembly.

Referred to Committee on State and Local Governmental Operations.

HB 1818. By Representatives Lane of the 146th and Martin of the 145th:

A bill to amend an Act entitled "An Act creating the State Court of Bulloch County," so as to provide that the solicitor-general of the state court shall be full time and may not engage in the private practice of law.

Referred to Committee on State and Local Governmental Operations.

HB 1820. By Representative Hudson of the 120th:

A bill to amend an Act creating a Board of Commissioners of Hancock County, so as to change the provisions relating to the compensation and expense allowance of the chairperson and other members of the board of commissioners.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 236. Do pass.

HB 1130. Do pass as amended.

HB 1116. Do pass.

HB 1667. Do pass by substitute.

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Interstate Cooperation has had under consideration the following resolution of the House and has instructed me to report the same back to the Senate with the following recommendation:

HR 1004. Do pass.

Respectfully submitted,

Senator Griffin of the 25th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 701. Do pass.

HB 1758. Do pass.

SB 702. Do pass.

HB 1780. Do pass.

SB 703. Do pass.

HB 1781. Do pass.

SB 704. Do pass.

HB 1782. Do pass.

HB 1692. Do pass.

HB 1783. Do pass.

HB 1746. Do pass.

HB 1790. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bills and resolutions were read the second time:

SR 162	HB 203	HB 751	HB 1082	HB 1094	HB 1143
HB 1242	HB 1253	HB 1324	HB 1425	HB 1474	HB 1490
HB 1513	HB 1522	HB 1552	HR 292	HR 812	HR 954
HR 955	HR 996	HR 1031	HR 1111		

Senator Land of the 16th moved that Senator Ray of the 48th be excused. On the motion, the yeas were 29, nays 0; the motion prevailed, and Senator Ray was excused.

Senator Ragan of the 11th moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 31, nays 1; the motion prevailed, and Senator Middleton was excused.

The President Pro Tempore called for the morning roll call, and the following Senators answered to their names:

Blitch	Guhl	Oliver
Boshears	Harbison	Price,R
Bowen	Henson	Price,T
Brown, 26th	Hill	Ragan
Burton	Hooks	Ralston
Cagle	Huggins	Roberts
Cheeks	James	Scott
Clay	Johnson,D	Starr
Crotts	Johnson,E	Streat
Dean	Kemp	Tanksley
Egan	Lamutt	Taylor
Gillis	Land	Thomas,D
Glanton	Langford	Thomas,N
Gochenour	Madden	Turner
Griffin	Marable	

Those not answering were:

Abernathy	Fort	Stokes
Balfour	Middleton (excused)	Thompson
Broun, 46th	Perdue(PRS)	Tysinger
Brush	Ray (excused)	Walker

The following communication was received by the Secretary:

Friday, March 6

Dear Sec. Eldridge,

Please note in the Journal that I was present at roll call on Friday, March 6 when the roll was called at approximately 9:10 A.M.

/s/Senator Charlie Tanksley, District 32

The President Pro Tempore led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Gochenour of the 27th introduced the chaplain of the day, Dr. David Hunter, pastor of Tabernacle Baptist Church, Macon, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 723. By Senators Turner of the 8th, Gillis of the 20th, Ragan of the 11th and others:

A resolution honoring John W. Langdale and expressing regrets at his passing.

- SR 724. By Senators Tysinger of the 41st, Guhl of the 45th and Burton of the 5th:
~~A resolution expressing~~ regret at the passing of Joy Earlene Anderson Clarke.
- SR 725. By Senator Brush of the 24th:
 A resolution commending Cathy Mowrer, McDuffie County Teacher of the Year.
- SR 726. By Senators Burton of the 5th and Balfour of the 9th:
 A resolution commending the Parkview High School Panthers Boys' Swim Team.
- SR 727. By Senators Burton of the 5th and Balfour of the 9th:
 A resolution commending the Parkview High School Women's Swimming and Diving Team.
- SR 728. By Senator Streat of the 19th:
 A resolution commending the Citizens Christian Academy varsity boys basketball team, 1997-1998 Georgia Independent School Association Class AA State Champions.

Senator Starr of the 44th introduced the doctor of the day, Dr. John Harsch of Fayetteville, Georgia.

The following local, uncontested bills of the Senate and House favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Friday, March 6, 1998

THIRTY-THIRD LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

- SB 701 Lamutt, 21st
 Tanksley, 32nd
 Thompson, 33rd
 Clay, 37th
 Abernathy, 38th
 COBB COUNTY

A bill to amend an Act creating the Cobb County Commission on Children and Youth, as amended, so as to change the date upon which the commission will be abolished.

- SB 702 Roberts, 30th
 Glanton, 34th
 DOUGLAS COUNTY

A bill to provide that the tax commissioner of Douglas County shall retain a specified percentage of educational funds collected by said officer and remit the same to the governing authority of Douglas County to reimburse the county for the cost of collecting school taxes; to provide for a statement of intention and the authority for this Act.

SB 703 Price, 28th
Langford, 29th
SPALDING COUNTY

A bill to create the Spalding County Collaborative Authority for Families and Children; to provide for the manner of appointment of members; to provide for terms, duties, and powers; to provide for all related matters; to provide for an annual report; to provide an effective date.

SB 704 Kemp, 3rd
LIBERTY COUNTY

A bill to provide a homestead exemption from Liberty County ad valorem taxes for county purposes in an amount equal to the amount of the assessed value of the homestead which exceeds the assessed value of that homestead for the taxable year immediately preceding the taxable year in which that exemption is first granted to a resident for certain residents of that county who have annual incomes not exceeding \$50,000.00.

HB 1692 Johnson, 2nd
CITY OF GARDEN CITY

A bill to authorize the mayor and council of Garden City to submit by referendum to the electors of Garden City the question of adding restaurants serving alcoholic beverages for consumption on the premises to the permitted uses listed in the Garden City zoning ordinance and permitting such use in C-2 zoning districts within the city, subject to certain conditions.

HB 1746 Griffin, 25th
Brown, 26th
JONES COUNTY

A bill to amend an Act creating the Board of Commissioners of Jones County, so as to change the provisions relating to compensation and travel expenses of the members of the board of commissioners.

HB 1758 Langford, 29th
HEARD COUNTY

A bill to amend an Act providing a new board of commissioners of Heard County, so as to provide for cost-of-living and longevity increases.

HB 1780 Griffin, 25th
Brown, 26th
JONES COUNTY

A bill to amend an Act abolishing the fee system of compensation for the sheriff of Jones County and providing in lieu thereof an annual salary, so as to change the provisions relating to the compensation and expenses of the sheriff.

HB 1781 Griffin, 25th
Brown, 26th
JONES COUNTY

A bill to amend an Act abolishing the fee system of compensation for the judge of the Probate Court of Jones County and providing in lieu thereof an annual salary, so as to change the provisions relating to the compensation and expenses of the judge of the probate court.

HB 1782 Griffin, 25th
Brown, 26th
JONES COUNTY

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Jones County into the office of tax commissioner of Jones County, so as to change the provisions relating to the compensation and expenses of the tax commissioner.

HB 1783 Griffin, 25th
Brown, 26th
JONES COUNTY

A bill to amend an Act abolishing the fee system of compensating the clerk of the Superior Court of Jones County and providing in lieu thereof an annual salary, so as to change provisions relating to the compensation and expenses of the clerk of the superior court.

HB 1790 Crotts, 17th
Guhl, 45th
NEWTON COUNTY

A bill to create a board of elections and registration for Newton County and provide for its powers and duties.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Egan	Y	Johnson,E
Balfour		Fort	Y	Kemp
Y Blitch	Y	Gillis	Y	Lamutt
Y Boshears	Y	Glanton	Y	Land
Y Bowen	Y	Gochenour	Y	Langford
Y Broun, 46th	Y	Griffin	Y	Madden
Brown, 26th	Y	Guhl	Y	Marable
Y Brush	Y	Harbison	EX	Middleton
Y Burton		Henson	Y	Oliver
Y Cagle	Y	Hill		Perdue(PRS)
Y Cheeks	Y	Hooks	Y	Price,R
Y Clay	Y	Huggins	Y	Price,T
Y Crotts	Y	James	Y	Ragan
Y Dean	Y	Johnson,D	Y	Ralston

EX Ray	Y	Streat	Thompson
Y Roberts	Y	Tanksley	Y Turner
Y Scott	Y	Taylor	Tysinger
Y Starr	Y	Thomas,D	Walker
Y Stokes	Y	Thomas,N	

On the passage of the local bills, the yeas were 45, nays 0.

All the bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

NOTICE OF MOTION TO RECONSIDER:

SB 438 Public Swimming Pools-standards for operation, maintenance (Substitute) (H&HS-35th)

SENATE RULES CALENDAR

Friday, March 6, 1998

THIRTY-THIRD LEGISLATIVE DAY

SB 605 Ethics in Government Act-candidate contributions, expenditures, loans (Substitute)(Ethics-42nd)

SB 603 Health Insurance coverage-prohibit excluding certain dependent children (Substitute)(I&L-18th)

SB 524 Civil Practice Act-service of offers of settlement (Substitute) (Judy-18th)

SB 638 Claims Against State-sovereign immunity regarding computers and year 2000 (Substitute)(Judy-18th)

SR 703 Tobacco Advertising Appealing to Minors-denounce (H&HS-35th)

SB 700 Public Employees-prohibit requiring certain agreement on overtime (SLGO-G-10th)

SB 491 Schools-Board of Education waive certain requirements on middle school grants (Substitute)(Ed-37th)

SB 671 Board of Corrections, Department of Corrections, Commissioner of Corrections-name change (Corr-31st)

SB 412 State Government-prohibit greater qualifications those home schooled (Substitute)(Ed-6th)

SB 688 Courts-judicial assistance from other courts (Judy-37th)

SB 670 Advisory Committee on Pain and Symptom Management-create (Substitute)(H&HS-44th)

SB 698 Merit System-employee rating, performance based increases (SLGO-G-12th)

SB 694 Telemarketing-certain disclosures, private right of action (C Aff-55th)

- SB 666 County Boards of Health-school superintendent may designate one to serve in his place (H&HS-28th)
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- SB 693 Department of Transportation-acquire, operate demonstration safety rest area, Cobb County (Trans-33rd)
- SB 466 Elections-designate state-wide poll watchers (SLGO-G-37th)
- SB 498 Sexually Violent Predator-penalty, failure to register (Judy-37th)
- SB 518 Special License Plates-U.S. Armed Forces Veterans, North Korea (Amendments)(Trans-12th)
 (Pursuant to Senate Rule 143, final passage of the bill was suspended on March 5, 1998.)
- SB 612 Schoolhouses-building on leased state property (Substitute) (Ed-5th)
- SB 634 Client, Attorney Privilege-include client, attorney for another party (Judy-51st)
- SB 641 Highways, Bridges, Ferries-powers of Department of Transportation and municipalities (Trans-33rd)
- SB 415 Surface Water-permits for withdrawal, certain rivers (Substitutes)(Nat R-6th)
- SB 475 Wildlife Management Area-procedures for ceasing to operate (Substitute)(Nat R-6th)
- SB 476 Threats, Use of Force, Defense of Dwellings, Places of Business- justification (Pub Saf-17th)

Respectfully submitted,
 /s/ Scott of the 36th, Chairman
 Senate Rules Committee

The following general bills were read the third time and put upon their passage:
 The President assumed the Chair.

- SB 605. By Senators Oliver of the 42nd, Madden of the 47th, Scott of the 36th and others:

A bill to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, known as the "Ethics in Government Act," so as to provide a definition; to change the provisions relating to contributions and expenditures and the reporting thereof; to limit the amount of loans which a candidate and the candidate's immediate family may make to a candidate's campaign or campaign committee.

The Senate Ethics Committee offered the following substitute to SB 605:

A BILL

To be entitled an Act to amend Chapter 5 of Title 21 of the Official Code of Georgia Annotated, known as the "Ethics in Government Act," so as to provide a definition; to change the provisions relating to contributions and expenditures and the reporting

thereof; to limit the amount of loans which a candidate and the candidate's immediate family may make to a candidate's campaign or campaign committee; to provide that certain loans shall be construed to be contributions and shall not be repaid from campaign funds; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 21 of the Official Code of Georgia Annotated, known as the "Ethics in Government Act," is amended by striking subsection (a) of Code Section 21-5-31, relating to contributions or expenditures other than through a candidate or his or her campaign committee and certain disclosures of credit, and inserting in its place the following:

"(a)(1) As used in this subsection, the term 'agent' means any person who has actual oral or written authority, either express or implied, to make or to authorize the making of expenditures on behalf of a candidate.

(2) Any person who accepts contributions for, makes contributions to, or makes expenditures on behalf of candidates is subject to the same disclosure requirements of this chapter as a candidate, except that contributions from individuals made directly to a candidate or his or her campaign committee do not require separate reporting, except that contributions from persons as defined in paragraph (14) of Code Section 21-5-3 which do not exceed \$500.00 in the aggregate or which are made to only one candidate, regardless of the amount, do not require separate reporting, and except that copies of campaign contribution disclosure reports do not have to be filed with local election superintendents as required of candidates for membership in the General Assembly pursuant to paragraph (1) of subsection (a) of Code Section 21-5-34. For purposes of this subsection, a contribution or expenditure shall be deemed to have been made for, to, or on behalf of a candidate when it is:

(A) Based on information about the candidate's plans, projects, or needs provided to the expending person by the candidate or the candidate's agent with a view toward having an expenditure made; or

(B) Made by or through any person who is or has been:

(i) Authorized to raise or expend funds for or on behalf of the candidate;

(ii) An officer of an authorized campaign committee; or

(iii) Receiving any form of compensation or reimbursement from the candidate, the candidate's campaign committee, or the candidate's agent."

SECTION 2.

Said chapter is further amended by adding, following Code Section 21-5-43.1, a new Code Section 21-5-43.2 to read as follows:

"21-5-43.2.

(a) As used in this Code section, the term 'immediate family' means the spouse and children of a candidate.

(b) A candidate and such candidate's immediate family shall not loan any money, service, or thing of value, or any combination thereof, exceeding \$50,000.00 in value to such candidate's campaign or campaign committee during any campaign, as determined pursuant to subparagraph (b)(1)(D) of Code Section 21-5-34. All moneys, services, or things of value provided to a campaign or campaign committee in excess of such \$50,000.00 limit shall be considered to be contributions for the purposes of this chapter, and no campaign funds shall be used to repay any excess amount."

SECTION 3.

This Act ~~shall become effective~~ on January 1, 1999.

SECTION 4.

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

Senator Taylor of the 12th moved the previous question.

Senators Gochenour of the 27th, Johnson of the 1st, and Clay of the 37th offered the following amendment:

Amend the committee substitute to SB 605 by adding a new Section 3 and renumbering the following sections

“21-5-35.1.

No public officer, candidate for public office, or campaign committee of a candidate for public office shall knowingly accept a contribution from:

(1) A lottery vendor as defined in Code Section 50-27-3 or any corporation whose shares are publicly traded and which is the parent company of a vendor as otherwise defined in said Code section; or

(2) Any person or business entity or any officer, agent, or lobbyist of any such person or business entity which has a direct ownership interest in any casino, pari-mutuel betting operation, lottery, or other gambling operation.”

On adoption of the amendment, Senator Gochenour of the 27th called for the yeas and nays. The call was sustained and the vote was as follows:

	Abernathy	N	Griffin	Y	Price,R
N	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	N	Ragan
Y	Boshears	Y	Henson	Y	Ralston
N	Bowen	Y	Hill	Y	Ray
N	Broun, 46th		Hooks	Y	Roberts
N	Brown, 26th	Y	Huggins	Y	Scott
N	Brush	Y	James	Y	Starr
Y	Burton		Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks		Kemp		Tanksley
Y	Clay	Y	Lamutt	N	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	N	Langford		Thomas,N
Y	Egan	Y	Madden		Thompson
N	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton		Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the adoption of the amendment, the yeas were 37, nays 10, and the Gochenour, et al. amendment to the committee substitute was adopted.

Senator Egan of the 40th offered the following amendment (#2);

Amend SB 605 substitute by striking in their entirety lines 5 through 9 on page 1 and inserting in lieu thereof the following:

“thereof; to provide an effective date;”

By striking ~~in its entirety~~ Section 2 on lines 22 through 39 on page 2.

By redesignating Sections 3 and 4 on page 3 as Sections 2 and 3, respectively.

On the adoption of the amendment, the yeas were 42, nays 0, and the Egan amendment to the committee substitute was adopted.

Senator Glanton of the 34th offered the following amendment (#3):

Amend the committee substitute to SB 605 by adding on line 39, pg 2

“Section 3.

Any candidate or election committee which receives contributions in excess of the limits imposed by this article shall pay to the state a civil penalty in an amount equal to 25 percent of the funds illegally accepted. Such fine may not be paid from campaign contributions, but the candidate shall ultimately be personally liable for such fine.

“All contributions received by a candidate or election committee in excess of the limits imposed by this article shall be returned to the contributors.”

and renumbering the following sections “4” and “5”

On the adoption of the amendment, the yeas were 33, nays 0, and the Glanton amendment to the committee substitute was adopted.

Senator Glanton of the 34th offered the following amendment(#4):

Amend the committee substitute to SB 605 by adding on page 2 line 39

“SECTION 3

Code Section 21-5-34 of the Official Code of Georgia Annotated, relating to disclosure statements relative to campaign contributions, is amended by inserting at the end thereof the following:

- “(1) On and after January 1, 1999, the Secretary of State shall organize and post each report submitted pursuant to this Code section in such a manner as to be readily accessible via the Internet. On and after January 1, 2000, all reports required by this Code section to be filed with the Secretary of State by a candidate for an office elected state wide or for membership in the General Assembly may be filed in an electronic format prescribed by the Secretary of State; provided, however, that if electronic signatures are not available by that date, the Secretary of State shall supply a form for candidates’ signatures to accompany the electronic filing. The Secretary of State shall as soon as practicable make available to any person without charge the necessary computer software to accomplish the provisions of this Code section and to distribute such software to each county election superintendent and any other person or organization whom the Secretary of State deems expedient to the dissemination of such software to all candidates and potential candidates.”

and renumbering the following SECTIONS “4” and “5”

Senator Glanton of the 34th offered the following amendment (#5):

Amend the Glanton #4 amendment to the committee substitute to SB 605 by striking on line 17 “1999” and adding “2000”

On the adoption of the amendment to the Glanton amendment, the yeas were 35, nays 0, and the Glanton amendment (#5) to the Glanton amendment (#4) was adopted.

On the adoption of the amendment (#4) as amended, the yeas were 38, nays 0, and the Glanton (#4) amendment to the committee substitute was adopted as amended.

Senators Price of the 56th, Langford of the 29th and Clay of the 37th offered the following amendment (#6):

Amend the committee substitute to SB 605 by inserting on line 11, page 2, after the word "needs" the following:

"knowingly"

Senator Price of the 56th asked unanimous consent that his amendment be withdrawn. The consent was granted and the amendment (#6) was withdrawn.

Senators Price of the 56th and Oliver of the 42nd offered the following amendment (#7):

Amend the committee substitute to SB 605 by striking on page 2, lines 10 and 11 and inserting:

"(A) Based on information about the candidate's plans and projects provided to the expending person by"

On the adoption of the amendment, the yeas were 39, nays 0, and the Price of the 56th, Oliver amendment (#7) to the committee substitute was adopted.

On the adoption of the committee substitute, the yeas were 39, nays 0, and the committee substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Hooks	Y Roberts
N Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 53, nays 1.

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

Senator Price of the 56th moved that Senator Tysinger of the 41st be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Tysinger was excused.

Senator Price of the 28th moved that Senator Gochenour of the 27th be excused. On the motion, the yeas were 28, nays 1; the motion prevailed, and Senator Gochenour was excused.

The Calendar was resumed.

SB 603. By Senators Perdue of the 18th, Walker of the 22nd and Marable of the 52nd:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance, so as to prohibit exclusion of coverage of certain routine patient care costs for dependent children of insureds enrolled in approved clinical trial programs for cancer therapy; to define certain terms; to provide for enforcement.

The Senate Committee on Insurance and Labor offered the following substitute to SB 603:

A BILL

To be entitled an Act to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance, so as to prohibit exclusion of coverage of certain routine patient care costs for dependent children of insureds enrolled in approved clinical trial programs for treatment of children's cancer; to define certain terms; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance, is amended by adding a new Code Section 33-24-59.1 to read as follows:

"33-24-59.1.

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

(1) 'Accident and sickness insurance benefit plan, policy, or contract' means:

(A) An individual accident and sickness insurance policy or contract, as defined in Chapter 29 of this title;

(B) A group or blanket accident and sickness insurance policy or contract, as defined in Chapter 30 of this title;

(C) An individual or group contract of the type issued by a nonprofit hospital service corporation established under Chapter 19 of this title;

(D) An individual or group contract of the type issued by a health care plan established under Chapter 20 of this title;

(E) An individual or group contract of the type issued by a nonprofit medical service corporation established under Chapter 18 of this title;

(F) An individual or group contract of the type issued by a health maintenance organization established under Chapter 21 of this title;

(G) An individual or group contract of the type issued by a fraternal benefit society; or

(H) Any similar individual or group accident and sickness benefit plan, policy, or contract.

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(2) 'Approved clinical trial program for treatment of children's cancer' means a Phase 3 clinical trial program in this state for the treatment of cancer that generally first manifests itself in children under the age of 19 and that:

(A)(i) Tests new therapies, regimens, or combinations thereof against standard therapies or regimens for the treatment of cancer in children;

(ii) Introduces a new therapy or regimen to treat recurrent cancer in children; or

(iii) Seeks to discover new therapies or regimens for the treatment of cancer in children which are more cost effective than standard therapies or regimens; and

(B) Has been certified by and utilizes the standard protocols established by the:

(i) Pediatric Oncology Group; or

(ii) Children's Oncology Group.

(3) 'Routine patient care costs' means those medically necessary costs of blood tests, X-rays, bone scans, magnetic resonance images, patient visits, hospital stays, or other similar costs generally incurred in connection with the provision of goods, services, or benefits to dependent children under an approved clinical trial program for treatment of children's cancer which otherwise would be covered under the accident and sickness insurance benefit plan, policy, or contract if such medically necessary costs were not incurred in connection with an approved clinical trial program for treatment of children's cancer. Routine patient care costs do not include the costs of any clinical trial therapies, regimens, or combinations thereof, any drugs or pharmaceuticals, any costs associated with the provision of any goods, services, or benefits to dependent children which generally are furnished without charge in connection with such an approved clinical trial program for treatment of children's cancer, any additional costs associated with the provision of any goods, services, or benefits which previously have been provided to the dependent child, paid for, or reimbursed, or any other similar costs.

(4) 'State health plan' means any health insurance plan established for employees of the state under Article 1 of Chapter 18 of Title 45 or any health care contract executed by the State of Georgia on behalf of indigents.

(b) On and after July 1, 1998, any state health plan or any accident and sickness insurance benefit plan, policy, or contract, by whatever name called, that provides major medical coverage for dependent children and which is issued, delivered, issued for delivery, or renewed in this state on or after July 1, 1998, shall provide coverage for routine patient care costs incurred in connection with the provision of goods, services, and benefits to such dependent children in connection with approved clinical trial programs for the treatment of children's cancer with respect to those dependent children who:

(1) Are covered dependents under a state health plan or under the major medical coverage of an accident and sickness insurance plan, policy, or contract;

(2) Have been diagnosed with cancer prior to their nineteenth birthday;

(3) Are enrolled in an approved clinical trial program for treatment of children's cancer; and

(4) Are not otherwise eligible for benefits, payments, or reimbursements from any other third party payors or other similar sources.

(c) For purposes of this Code section, any exclusions, reductions, or limitations as to coverages or any cost-sharing arrangements provided for in a state health plan or in an accident and sickness insurance benefit plan, policy, or contract which provides major medical coverage for dependent children and which applies to any benefits, payments, or reimbursements for routine patient care provided to dependent children in connection with generally recognized therapies or regimens for the treatment of children's cancer shall also apply to such benefits, payments, or reimbursements for any dependent child who is enrolled in an approved clinical trial program for treatment of children's cancer.

(d) Nothing in this Code section shall be construed to prohibit a state health plan or an insurer, nonprofit corporation, health care plan, health maintenance organization, fraternal benefit society, or other person from issuing or continuing to issue an accident and sickness insurance benefit plan, policy, or contract which has benefits that are greater than the minimum benefits required by this Code section or from issuing or continuing to issue any accident and sickness insurance plan, policy, or contract which provides benefits which are generally more favorable to the insured than those required by this Code section or to change the contractual relations between any insurer, nonprofit corporation, health care plan, health maintenance organization, fraternal benefit society, or other similar person and their insureds or covered dependents by whatever name called."

SECTION 2.

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

Senator Perdue of the 18th offered the following amendment:

Amend the substitute to SB 603 (LC 14 7138S) by striking lines 12 and 13 of page 2 and inserting in lieu thereof the language "children's cancer' means a Phase II and III prescription drug clinical trial program in this state, as approved by the federal Food and Drug Administration or the National Cancer Institute for the treatment of cancer that"

By striking the word "standard" on line 25 of page 2 and inserting in its place the words "standards for acceptable"

By striking lines 27 and 28 of page 2 and inserting in place thereof the following:

(i) Pediatric Oncology Group;

(ii) Children's Cancer Group; or

(iii) Commissioner as he or she may otherwise define such term by rule and regulation after due notice, any required hearing, and compliance with any other requirements of applicable law, but only providing for such definition in a manner at least as restrictive as that established in this Code section."

By adding after the word "incurred" on line 32 of page 2 the words "by the insured party"

By adding before the word "accident" on line 37 of page 2 the words "major medical"

By striking the word "do" on line 1 of page 3 and inserting in its place the words "specifically shall".

By adding after the period on line 11 of page 3 the sentence "It is specifically the intent of this Code section not to relieve the sponsor of a clinical trial program of financial responsibility for accepted costs of such program."

By striking lines 14 and 15 of page 3 and inserting in lieu thereof the following:

"of Chapter 18 of Title 45 or Chapter 4 of Title 49 to provide health care services to state employees and indigents."

By striking lines 8 and 9 of page 4 and inserting in lieu thereof the following:

"(d) Except as provided in subsections (b) and (c) of this Code section, nothing in this Code section shall be construed to:

(1) Prohibit a state health plan or an insurer, nonprofit",

and adjusting the left margin of lines 10 through 18 of page 4 accordingly.

By striking line 19 of page 4 and inserting in lieu thereof the following:

"required by this Code section; or

(2) Change the",

and adjusting the left margin on lines 20 through 24 of page 4 accordingly.

On the adoption of the amendment, the yeas were 34, nays 0, and the Perdue amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 29, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 0.

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

SB 524. By Senators Perdue of the 18th, Oliver of the 42nd and Taylor of the 12th:

A bill to amend Chapter 11 of Title 9 of the Official Code of Georgia Annotated, the "Georgia Civil Practice Act," so as to provide for service of offers of settlement; to provide that any party who rejects an offer of settlement which is more favorable than a judgment finally entered shall pay the costs, including attorney's fees, incurred after the making of the offer.

The Senate Committee on Judiciary offered the following substitute to SB 524:

A BILL

To be entitled an Act to amend Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to provisional and final remedies and special proceedings under the "Georgia Civil Practice Act," so as to provide that any party who rejects an offer of settlement which is more favorable than the judgment finally obtained in actions on commercial accounts shall pay the reasonable costs incurred by the offeror after the making of the offer; to provide that any party who rejects an offer to settle certain claims for monetary damages which is more favorable than the judgment finally obtained shall pay prejudgment interest on the amount of the offer; to amend Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to damages in tort actions generally, so as to repeal a provision relating to the procedure for demand of unliquidated damages in tort actions and the circumstances under which interest may be recovered; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 8 of Chapter 11 of Title 9 of the Official Code of Georgia Annotated, relating to provisional and final remedies and special proceedings under the "Georgia Civil Practice Act," is amended by striking in its entirety Code Section 9-11-68, which is reserved, and inserting in lieu thereof a new Code Section 9-11-68 to read as follows:

"9-11-68.

- (a) The provisions of this Code section shall apply to actions on commercial accounts.
- (b) At any time more than 15 days before the trial begins, any party may give written notice by registered or certified mail to an adverse party of an offer to settle a claim for monetary damages for a specific dollar amount. If, within 15 days after the date of mailing of the notice of the offer, the adverse party gives written notice by registered or certified mail to the offeror that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of written notice by registered or certified mail, and thereupon the clerk shall enter judgment. An offer not accepted shall be deemed withdrawn, and evidence thereof is not admissible except in a proceeding to determine costs under subsection (c) of this Code section. Any offer made or accepted under this Code section may specify that the terms of settlement are confidential. Nothing in this Code section is intended to prohibit the implementation of a confidential settlement reached as a result of a settlement offer extended pursuant to the terms of this Code section.
- (c) If the judgment finally obtained is not more favorable to the offeree than the offer, the offeree must pay the reasonable costs incurred by the offeror, as determined by the court, after the making of the offer and may not be awarded costs under subsection (d) of Code Section 9-11-54.
- (d) The fact that an offer is made but not accepted does not preclude a subsequent offer. An offeror who would be awarded costs under subsection (c) of this Code section

on the basis of the offer shall be deprived of such costs by failing to accept a subsequent offer which is more favorable than the judgment finally obtained, and such deprivation of costs shall commence upon the failure to accept such subsequent offer. Upon the failure of an offeror who would be awarded costs under this Code section to accept the first subsequent offer which is more favorable than the judgment finally obtained, neither party shall thereafter pay the costs of the other.

(e) When the liability of one party to another has been determined by verdict or order or judgment but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of settlement under this Code section, which shall have the same effect as an offer made before trial if written notice by registered or certified mail is given within a reasonable time not less than 15 days prior to the commencement of hearings to determine the amount or extent of liability.

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

(1) 'Commercial account' shall have the same meaning as provided in Code Section 7-4-16.

(2) 'Reasonable costs' includes, but is not limited to, expenses of mediation and alternative dispute resolution mechanisms; premiums paid on the expenses of necessary posting, undertakings, bonds, or security stipulations; ordinary witness fees; fees of expert witnesses who are not regular employees of any party; the cost of taking, videotaping, and transcribing necessary depositions, including an original and one copy of those taken by the claimant and one copy of depositions taken by the party against whom costs are allowed and travel expenses to attend depositions; the cost of producing exhibits; the expense of service and publication of summons or notices, and postage when the same are served by mail; expenses of attachment; filing, motion, and jury fees and other charges made by the clerk of the court; fees for transcripts required in the trial of a case and for transcripts of court proceedings; court reporters' fees; the cost of models and blowups of exhibits and photocopies of exhibits if reasonably helpful to the trier of fact; costs of computerized legal research; and any other expenses reasonably incurred in order to enable a party to secure some right accorded the party in the action or proceeding, except that attorney's fees and fees for investigators in preparing the case for trial shall not be included."

SECTION 2.

Said article is further amended by adding a new Code Section 9-11-68.1 to read as follows:

"9-11-68.1.

(a) The provisions of this Code section shall apply to claims for monetary damages in civil actions, except those claims for monetary damages for which recovery of prejudgment interest is authorized by another provision of law.

(b) At any time more than 15 days before the trial begins, any party may give written notice by registered or certified mail to an adverse party of an offer to settle a claim for monetary damages for a specific dollar amount. If, within 15 days after the date of mailing of the notice of the offer, the adverse party gives written notice by registered or certified mail to the offeror that the offer is accepted, either party may then file the offer and notice of acceptance together with proof of written notice by registered or certified mail, and thereupon the clerk shall enter judgment. An offer not accepted shall be deemed withdrawn, and evidence thereof is not admissible except in a pro-

ceeding to determine interest under subsection (c) of this Code section. Any offer made or accepted under this Code section may specify that the terms of settlement are confidential. Nothing in this Code section is intended to prohibit the implementation of a confidential settlement reached as a result of a settlement offer extended pursuant to the terms of this Code section.

(c) If the judgment finally obtained is not more favorable to the offeree than the offer, the offeree must pay interest on the amount of the offer, at the rate of the sum of the average prime rate of interest as published in the Wall Street Journal during the calendar week in which notice of the offer was mailed plus two percent, from the date that notice of the offer was mailed until the date of judgment; provided, however, that the amount of interest awarded under this subsection shall not exceed 20 percent of the judgment.

(d) The fact that an offer is made but not accepted does not preclude a subsequent offer. An offeror who would be awarded interest under subsection (c) of this Code section on the basis of the offer shall be deprived of any interest accruing after that party's failure to accept a subsequent offer which is more favorable than the judgment finally obtained. Upon the failure of an offeror who would be awarded interest under this Code section to accept the first subsequent offer which is more favorable than the judgment finally obtained, neither party shall thereafter pay interest.

(e) When the liability of one party to another has been determined by verdict or order or judgment but the amount or extent of the liability remains to be determined by further proceedings, any party may make an offer of settlement under this Code section, which shall have the same effect as an offer made before trial if written notice by registered or certified mail is given within a reasonable time not less than 15 days prior to the commencement of hearings to determine the amount or extent of liability."

SECTION 3.

Article 1 of Chapter 12 of Title 51 of the Official Code of Georgia Annotated, relating to damages in tort actions generally, is amended by striking in its entirety Code Section 51-12-14, relating to the procedure for demand of unliquidated damages in tort actions and the circumstances under which interest may be recovered, which reads as follows:

"51-12-14.

(a) Where a claimant has given written notice by registered or certified mail to a person against whom claim is made of a demand for an amount of unliquidated damages in a tort action and the person against whom such claim is made fails to pay such amount within 30 days from the mailing of the notice, the claimant shall be entitled to receive interest on the amount demanded if, upon trial of the case in which the claim is made, the judgment is for an amount not less than the amount demanded. However, if, at any time after the 30 days and before the claimant has withdrawn his demand, the person against whom such claim is made gives written notice by registered or certified mail of an offer to pay the amount of the claimant's demand plus interest under this Code section through the date such notice is given, and such offer is not accepted by the person making the demand for unliquidated damages within 30 days from the mailing of such notice by the person against whom such claim is made, the claimant shall not be entitled to receive interest on the amount of the demand after the thirtieth day following the date on which the notice of the offer is mailed even if, upon trial of the case in which the claim is made, the judgment is for an amount not less than the sum demanded pursuant to this Code section.

(b) Any written notice referred to in subsection (a) of this Code section may be given on only one occasion and shall specify that it is being given pursuant to this Code section.

(c) The interest provided for by this Code section shall be at the rate of 12 percent per annum and shall begin to run from the thirtieth day following the date of the mailing of the written notice until the date of judgment.

(d) Evidence or discussion of interest on liquidated damages, as well as evidence of the offer, shall not be submitted to the jury. Interest shall be made a part of the judgment upon presentation of evidence to the satisfaction of the court that this Code section has been complied with and that the verdict of the jury or the award by the judge trying the case without a jury is equal to or exceeds the amount claimed in the notice.

(e) This Code section shall be known and may be cited as the 'Unliquidated Damages Interest Act.'",

and inserting in lieu thereof the following:

"51-12-14.

Reserved."

SECTION 4.

This Act shall become effective on July 1, 1998, and shall apply to cases first filed on or after that date.

SECTION 5.

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

Senator Perdue of the 18th offered the following amendment:

Amend the Senate Judiciary committee substitute to SB 524 by striking lines 11 and 12 of page 1 and inserting in lieu thereof the following:

"obtained shall pay prejudgment interest; to amend Article 1 of Chapter 12 of Title 51 of the"

By striking "15" and inserting in lieu thereof "30" on line 1 of page 2 and on line 41 of page 3.

By striking line 3 of page 3 and inserting in lieu thereof the following:

"(2) 'Costs' may include, but is not limited to,"

By striking lines 26 and 27 of page 3 and inserting in lieu thereof the following:

"and fees for investigators shall not be included."

By striking lines 13 through 25 of page 4 and inserting in lieu thereof the following:

"Code section. The fact that an offer is made but not accepted does not preclude a subsequent offer.

(c)(1) If the judgment finally obtained is not more favorable to an offeree who is a claimant than the offer, such offeree must pay interest on the difference between the amount of the offer and the amount of the judgment finally obtained.

(2) If the judgment finally obtained is not more favorable to an offeree who is defending a claim than the offer, such offeree must pay interest on the amount of the offer.

(3) In the event that an offeror makes more than one offer pursuant to this Code section and the judgment finally obtained is not more favorable than one of the offers, interest awarded under either paragraph (1) or (2) of this subsection, as applicable, shall be based upon the earliest offer that is more favorable than the judgment finally obtained.

(4) In all circumstances in which interest is to be awarded, interest shall accrue from the date that notice of the applicable offer was mailed until the date of the judgment. Interest shall accrue at a rate equal to the federal funds rate, as defined in subsection (b) of Code Section 11-4A-506, on the date of mailing of the notice plus 5 percent.

(5) In no event shall the amount of interest awarded under this subsection exceed 20 percent of the judgment finally obtained.

(d) An offeror who would be”

By striking the word “offer” and inserting in lieu thereof “counteroffer” on lines 29 and 32 of page 4.

By striking the quotation mark at the end of line 44 of page 4 and inserting immediately following line 44 the following:

“(f) In the event that the court determines that interest is to be awarded under subsection (c) of this Code section, the court shall reduce or increase the amount of the judgment finally obtained accordingly.”

On the adoption of the amendment, the yeas were 36, nays 0, and the Perdue amendment to the committee substitute was adopted.

Senator Land of the 16th offered the following amendment:

Amend the Judiciary committee substitute to SB 524 by striking from line 1 on page 1 through line 14 on page 6 and inserting in lieu thereof the following:

“We support the Chamber of Commerce.”

Senator Land of the 16th asked unanimous consent that his amendment be withdrawn. The consent was granted and the amendment was withdrawn.

On the adoption of the substitute, the yeas were 36, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Dean	Y	James
Y Balfour	Y	Egan	Y	Johnson,D
Y Blitch	Y	Fort	Y	Johnson,E
Y Boshears	Y	Gillis	Y	Kemp
Y Bowen	Y	Glanton	Y	Lamutt
Y Broun, 46th	EX	Gochenour	Y	Land
Y Brown, 26th	Y	Griffin	Y	Langford
Y Brush	Y	Guhl	Y	Madden
Y Burton	Y	Harbison	Y	Marable
Y Cagle	Y	Henson	Y	Middleton
Y Cheeks	Y	Hill	Y	Oliver
Y Clay	Y	Hooks	Y	Perdue
Y Crotts	Y	Huggins		

Y Price,R	Y Scott	Y Thomas,D
Y Price,T	Y Starr	Y Thomas,N
Y Ragan	Y Stokes	Y Thompson
Y Ralston	Y Streat	Y Turner
Y Ray	Y Tanksley	EX Tysinger
Y Roberts	Y Taylor	Y Walker

On the passage of the bill, the yeas were 53, nays 0.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1806. By Representatives Johnston of the 81st, Rice of the 79th, Coan of the 82nd and others:

A bill to amend an Act creating the board of commissioners of Gwinnett County, so as to provide that neither Gwinnett County nor its agents or officials shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group in public employment, public education, or public contracting.

HB 1821. By Representatives Bannister of the 77th, Coleman of the 80th, Breedlove of the 85th and others:

A bill to amend an Act known as the "Gwinnett County Merit System Act" and authorizing Gwinnett County and the governing authority thereof to appoint a Merit System Board, so as to change the provisions relating to selection of board members.

HB 1822. By Representatives Brown of the 130th and Epps of the 131st:

A bill to amend an Act entitled "An Act creating a Board of Commissioners for Troup County," so as to change the compensation of the members and the chairperson of said board.

HB 1823. By Representatives Parham of the 122nd and Hudson of the 120th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Baldwin County into the office of tax commissioner of Baldwin County, so as to change the provisions relating to the compensation of the tax commissioner.

HB 1824. By Representative Houston of the 166th:

A bill to amend an Act establishing a new charter for the Town of Sparks, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmen.

HB 1826. By Representatives DeLoach of the 172nd, Barnard of the 154th, Mosley of the 171st and others:

A bill to provide a homestead exemption from Liberty County ad valorem taxes for county purposes in the amount of \$15,000.00 of the assessed value of the homestead for certain residents of that county who are 62 years of age or over.

HB 1827 By Representatives DeLoach of the 172nd, Barnard of the 154th, Mosley of the 171st and others:

A bill to provide a homestead exemption from certain Liberty County ad valorem taxes for county purposes in the amount of \$5,000.00 of the assessed value of the homestead of certain residents of that county.

HB 1828. By Representatives DeLoach of the 172nd, Barnard of the 154th, Mosley of the 171st and others:

A bill to provide a homestead exemption from Liberty County School District ad valorem taxes for educational purposes in the amount of \$15,000.00 of the assessed value of the homestead for certain residents of that school district who are 62 years of age or over.

HB 1829. By Representative Massey of the 86th:

A bill to provide for an advisory referendum election to be held in the City of Auburn for the purpose of ascertaining whether the charter of the City of Auburn should be dissolved.

HB 1830. By Representatives Whitaker of the 7th and Poag of the 6th:

A bill to provide a homestead exemption from Fannin County School District ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding \$20,000.00 and who are 62 years of age or over.

HB 1831. By Representative Crawford of the 129th:

A bill to amend an Act creating the Board of Commissioners of Pike County, so as to provide for a county manager.

HB 1832. By Representative Crawford of the 129th:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Pike County.

HB 1833. By Representative Whitaker of the 7th:

A bill to provide for the compensation of the chief magistrate of the Magistrate Court of Lumpkin County.

HB 1834. By Representatives Sauder of the 29th, Bradford of the 30th, Parsons of the 40th and others:

A bill to amend an Act creating the Cobb County-Marietta Water Authority, so as to change the membership of the authority.

SB 598. By Senator Tysinger of the 41st:

A bill to provide for the creation of a community improvement district in unincorporated DeKalb County; to provide for a short title; to provide for the purposes of the said district; to provide for definitions; to provide for a board to

administer said district; to provide for appointment or election of members of said board; to provide for powers, duties, compensation, and organization of said board; to provide for taxes, fees, and assessments.

HB 1161. By Representatives Walker of the 141st, Buck of the 135th, Lee of the 94th and others:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, so as to provide for income tax credits for the purchase or lease of a new low-emission vehicle or the conversion of a conventionally fueled vehicle.

HB 1464. By Representative Channell of the 111th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to filing requirements with respect to homestead exemptions, so as to change certain provisions regarding filing deadlines.

HB 1664. By Representatives Henson of the 65th, Murphy of the 18th, Teper of the 61st and others:

A bill to amend Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to commissions and other agencies, so as to create the Georgia Commission on the Holocaust.

Senators Walker of the 22nd and Thompson of the 33rd introduced United States Secretary of Transportation, Rodney Slater, commended by SR 667, adopted previously. Secretary Slater addressed the Senate briefly.

Senator Gillis of the 20th introduced United States Congressman Saxby Chambliss of the 8th Congressional District, who addressed the Senate briefly.

The Calendar was resumed.

SB 638. By Senators Perdue of the 18th, Clay of the 37th and Hooks of the 14th:

A bill to amend Chapter 21 of Title 50 of the Official Code of Georgia Annotated, relating to sovereign immunity and claims against the state, so as to provide for a reservation of sovereign immunity with respect to failure of computer systems to properly recognize or process dates in the year 2000 or later; to provide for applicability to state and local government; to provide for the meaning of terms.

The Senate Committee on Judiciary offered the following substitute to SB 638:

A BILL

To be entitled an Act to amend Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, "The Georgia Tort Claims Act," so as to provide that the state shall have no liability for certain computer errors; to provide for applicability to failures to properly process dates or times under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 21 of Title 50 of the Official Code of Georgia Annotated, "The Georgia Tort Claims Act," is amended in Code Section 50-21-24, relating to exceptions to

state liability, by striking the word "or" at the end of paragraph (11); by replacing the period at the end of paragraph (12) with the symbol and word "; or"; and by adding a new paragraph (13) to read as follows:

"(13) Any failure or malfunction occurring before December 31, 2005, which is caused directly or indirectly by the failure of computer software or any device containing a computer processor to accurately or properly recognize, calculate, display, sort, or otherwise process dates or times, if the failure or malfunction causing the loss was unforeseeable or if the failure or malfunction causing the loss was foreseeable but the plan or design or both for identifying and preventing the failure or malfunction was prepared in substantial compliance with generally accepted computer and information system design standards in effect at the time of the preparation of the plan or design."

SECTION 2.

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

Senators Johnson of the 1st, Perdue of the 18th and Dean of the 31st offered the following amendment:

Amend the committee substitute to SB 638 by inserting on line 3 of page 1 after "state" the following:

"and its political subdivisions"

On the adoption of the amendment, the yeas were 36, nays 2, and the Johnson of the 1st, et al. amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 33, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	EX Tysinger
N Glanton	Y Oliver	Walker
EX Gochenour	Y Perdue	

On the passage of the bill, the yeas were 50, nays 1.

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

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SR 703. By Senators James of the 35th, Boshears of the 6th, Hill of the 4th and others:

A resolution denouncing the deliberate practice and intent of advertising cigarettes and other tobacco products by tobacco companies to appeal to minors and urging that tobacco companies cease such practice.

Senator James of the 35th offered the following amendment:

Amend SR 703 by striking lines 1 through 4 of page 1 and inserting in lieu thereof the following:

“Urging tobacco companies not to deliberately target children in print, television, and billboard advertisements relating to the promotion of cigarettes and other tobacco products; and for other purposes.”

By striking lines 33 and 34 of page 1 and inserting in lieu thereof the following:

“members of this body urge tobacco companies not to deliberately target children in print,”

On the adoption of the amendment, the yeas were 32, nays 0, and the James amendment was adopted.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to as amended.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Walker
EX Gochenour	Perdue	

On the adoption of the resolution, the yeas were 49, nays 0.

The resolution, having received the requisite constitutional majority, was adopted as amended.

SB 700. By Senator Thomas of the 10th:

A bill to amend Article 2 of Chapter 19 of Title 45 of the Official Code of Georgia Annotated, relating to fair employment practices, so as to prohibit public employers from requiring public employees or applicants to agree to not receive certain overtime or compensatory time; to provide for definitions; to provide for conditions and limitations; to provide an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

SB 491. By Senators Clay of the 37th, Tanksley of the 32nd and Lamutt of the 21st:

A bill to amend Part 13 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the organization of schools and school systems, so as to authorize the State Board of Education to waive certain requirements relating to middle school grants for a limited period of time; to provide for an effective date.

The Senate Committee on Education offered the following substitute to SB 491:

A BILL

To be entitled an Act to amend Part 13 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the organization of schools and school systems, so as to authorize the State Board of Education to waive certain requirements relating to middle school grants for a limited period of time; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 13 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the organization of schools and school systems, is amended by striking in its

entirety Code Section 20-2-290, relating to the organization of schools, and inserting in lieu thereof a new Code Section 20-2-290, to read as follows:

“20-2-290.

The board of education of any local school system is authorized to organize or reorganize the schools and fix the grade levels to be taught at each school in its jurisdiction. However, the State Board of Education shall provide grants to local school systems that operate middle school programs in middle schools which meet the criteria and standards prescribed by the state board, subject to appropriation by the General Assembly. The amount of such grants shall be an additional 13 percent of all funds calculated for the Quality Basic Education Formula provided in Code Section 20-2-161 for students in grade levels six, seven, and eight who are counted in the full-time equivalent count for the middle grades program in state board approved middle school programs. Local school systems which have organized their schools in such a manner that facilities house grades six, seven, and eight or grades seven and eight shall qualify for middle school grants for students in grade levels so housed; provided, however, that each qualified middle school must provide each interdisciplinary team of academic teachers with common planning time of at least 85 minutes during the student instructional day and provided, further, that they meet all other criteria and standards prescribed by the state board. State board criteria and standards for middle school program eligibility for grants made pursuant to this Code section must provide that local school systems may include instruction in foreign language as an option for students who have scored at or above the sixtieth percentile on a nationally normed test of reading achievement administered within the previous or current school year as one of the language arts which are required to meet the eligibility requirements for such grants. A school which houses grades other than six, seven, or eight shall only be eligible if it has a full-time principal for grades seven and eight or six, seven, and eight and another full-time principal for grades above or below the middle school grades; provided, however, that such schools also meet all other provisions of this Code section. Schools with students in the sixth grade shall not be eligible for the middle school grants if the sixth grades are not housed in middle schools which also contain both grades seven and eight. Further, two or more adjacent local school systems shall qualify for middle school grants if through their contractual arrangement they jointly meet the requirements of this Code section and the criteria and standards prescribed by the state board. If a local school system has a combination of qualified and nonqualified schools, it shall receive the middle school grant only for those students counted in the full-time equivalent count for the middle grades program in qualified middle schools. The state board may waive any requirement of this Code section relating to the housing of grades six, seven, or eight upon the presentation of clear and convincing evidence by a local school system that such a requirement is infeasible for a particular school or schools due to extraordinary growth in student enrollment or severe overcrowding. Such waiver shall be effective for a consecutive period of time, not to exceed 24 months. The state board shall exercise its authority under this Code section to grant waivers sparingly; and, in no event, shall more than three such waivers be in effect for any particular academic year.”

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

On the adoption of the substitute, the yeas were 32, nays 0, and the substitute was adopted.

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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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Walker
EX Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 0.

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

SB 671. By Senators Dean of the 31st, Marable of the 52nd and Guhl of the 45th:

A bill to amend the Official Code of Georgia Annotated, so as to change the names of the Board of Corrections, Department of Corrections, and commissioner of corrections; to substitute the term "Board of Prisons" for the term "Board of Corrections" wherever the same appears in the Code; to substitute the term "Georgia Bureau of Prisons" for the term "Department of Corrections" wherever the same appears in the Code.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Cheeks	Y Griffin
Y Balfour	Y Clay	Y Guhl
Y Blitch	Y Crofts	Y Harbison
Y Boshears	Y Dean	Henson
Y Bowen	Y Egan	Y Hill
Y Broun, 46th	Y Fort	Hooks
N Brown, 26th	Y Gillis	Y Huggins
Y Brush	Y Glanton	Y James
Y Burton	EX Gochenour	Y Johnson,D
Y Cagle		Y Johnson,E

Y Kemp	Y Price,R	Y Streat
Y Lamutt	Y Price,T	Y Tanksley
Y Land	Y Ragan	Y Taylor
Langford	Y Ralston	Y Thomas,D
Y Madden	Y Ray	Y Thomas,N
Y Marable	Y Roberts	Y Thompson
Y Middleton	Scott	Y Turner
Y Oliver	Y Starr	EX Tysinger
Y Perdue	Y Stokes	Walker

On the passage of the bill, the yeas were 47, nays 1.

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

SB 412. By Senators Boshears of the 6th, Ralston of the 51st and Balfour of the 9th:

A bill to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to state government, so as to provide that no state agency shall require greater qualifications of persons who have completed a course of home study than it does for public or private school graduates.

The Senate Committee on Education offered the following substitute to SB 412:

A BILL

To be entitled an Act to amend Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to state government, so as to provide that no state agency shall require greater qualifications of persons who have completed a course of home study than it does for public or private school graduates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general provisions relative to state government, is amended by inserting at the end thereof the following:

“50-1-7.

(a) As used in this Code section, the term ‘state agency’ means a department, agency, board, commission, or authority of the state.

(b) No state agency shall impose any greater qualifications or requirements upon persons who have attended a private school or completed a course of home study than it does for persons who have completed an accredited public or private high school, nor shall any state agency impose upon such persons any greater academic requirement for a particular academic grade, level, or degree than those imposed by general law, for any purposes, including purposes of employment and the granting of benefits or entitlements.

(c) The provisions of this Code section shall not apply to qualifications to receive a HOPE scholarship.

(d) Nothing in this Code section shall be construed to limit the power of the Board of Regents to adopt and enforce rules and regulations regarding admissions to any institutions in the system.”

SECTION 2.

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

Senators Scott of the 36th and Balfour of the 9th offered the following amendment:

Amend the Senate Education Committee substitute to SB 412 by inserting at the end of line 29 of page 1 the following:

“Nothing in this Code section shall be construed to amend or repeal any provision of Subpart 2 of Part 1 of Article 15 of Chapter 2 of Title 20, relating to compulsory school attendance, particularly as such provisions apply to students participating in courses of home study.”

On the adoption of the amendment, the yeas were 40, nays 0, and the Scott, Balfour amendment to the committee substitute was adopted.

Senator Balfour of the 9th offered the following amendment:

Amend the committee substitute to SB 412 by striking lines 30-33, page 1.

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N Abernathy	N Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
N Blitch	Y Harbison	N Ragan
N Boshears	Y Henson	Y Ralston
N Bowen	N Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
N Brown, 26th	Y Huggins	Y Scott
Y Brush	N James	Y Starr
Y Burton	N Johnson,D	Stokes
Y Cagle	Y Johnson,E	N Streat
N Cheeks	N Kemp	Y Tanksley
Y Clay	Y Lamutt	N Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	N Thomas,N
Y Egan	N Madden	N Thompson
N Fort	N Marable	Y Turner
Y Gillis	N Middleton	EX Tysinger
Y Glanton	N Oliver	Y Walker
EX Gochenour	N Perdue	

On the adoption of the amendment, the yeas were 31, nays 22, and the Balfour amendment was adopted.

On the adoption of the substitute, the yeas were 43, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

N Abernathy	Y Bowen	Y Burton
Y Balfour	N Broun, 46th	Y Cagle
Y Blitch	Y Brown, 26th	Y Cheeks
Y Boshears	Y Brush	N Clay

N	Crotts		Johnson,D	N	Ray
Y	Dean	Y	Johnson,E	Y	Roberts
Y	Egan	Y	Kemp	Y	Scott
N	Fort	Y	Lamutt	Y	Starr
Y	Gillis	Y	Land		Stokes
N	Glanton	Y	Langford	Y	Streat
EX	Gochenour	N	Madden	Y	Tanksley
Y	Griffin	Y	Marable	Y	Taylor
N	Guhl	Y	Middleton	Y	Thomas,D
N	Harbison	N	Oliver	Y	Thomas,N
Y	Henson	Y	Perdue	Y	Thompson
Y	Hill	Y	Price,R	Y	Turner
Y	Hooks	N	Price,T	EX	Tysinger
Y	Huggins	Y	Ragan	Y	Walker
Y	James	Y	Ralston		

On the passage of the bill, the yeas were 40, nays 12.

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

At 12:10 P.M. the President announced that the Senate would stand in recess until 1:30 P.M.

The President called the Senate to order at 1:30 P.M.

Senator Huggins of the 53rd moved that Senator Thomas of the 54th be excused. On the motion, the yeas were 29, nays 1; the motion prevailed, and Senator Thomas of the 54th was excused.

Senator Huggins of the 53rd moved that Senator Cheeks of the 23rd be excused. On the motion, the yeas were 35, nays 0; the motion prevailed, and Senator Cheeks was excused.

The Calendar was resumed.

SB 688. By Senators Clay of the 37th, Lamutt of the 21st and Tanksley of the 32nd:

A bill to amend Code Section 15-1-9.1 of the Official Code of Georgia Annotated, relating to requesting judicial assistance from other courts, so as to allow assistance on a permanent basis; to provide for restrictions and limitations; to provide for related matters; to provide for an effective date.

Senators Starr of the 44th and Clay of the 37th offered the following amendment:

Amend SB 688 by striking from line 33 on page 1 the number "400,000" and inserting in lieu thereof the following number:

"180,000"

On the adoption of the amendment, the yeas were 29, nays 0, and the Starr, Clay amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Blicht	Y	Bowen
Y	Balfour	Y	Boshears	Y	Broun, 46th

Y Brown, 26th	Y Hill	Y Ragan
Y Brush	Y Hooks	Y Ralston
Y Burton	Y Huggins	Y Ray
Y Cagle	Y James	Y Roberts
EX Cheeks	Y Johnson,D	Y Scott
Y Clay	Y Johnson,E	Y Starr
Y Crotts	Y Kemp	Y Stokes
Y Dean	Y Lamutt	Y Streat
Y Egan	Y Land	Y Tanksley
Y Fort	Y Langford	Y Taylor
Y Gillis	Y Madden	EX Thomas,D
Y Glanton	Y Marable	Y Thomas,N
EX Gochenour	Y Middleton	Y Thompson
Y Griffin	Y Oliver	Y Turner
Y Guhl	Y Perdue	EX Tysinger
Y Harbison	Y Price,R	Y Walker
Y Henson	Y Price,T	

On the passage of the bill, the yeas were 45, nays 0.

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

SB 670. By Senators Starr of the 44th and Middleton of the 50th:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for definitions; to create the Advisory Committee on Pain and Symptom Management within the office of the joint-secretary of the state examining boards; to provide for committee appointment, membership, qualifications, vacancies, expenses, allowances, and organization; to provide for committee rights, duties, and functions.

The Senate Committee on Health and Human Services offered the following substitute to SB 670:

A BILL

To be entitled an Act to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for definitions; to create the Advisory Committee on Pain Management for the Terminally Ill within the office of the joint-secretary of the state examining boards; to provide for committee appointment, membership, terms, qualifications, vacancies, expenses, allowances, and organization; to provide for committee rights, duties, and functions; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

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

“CHAPTER 43

31-43-1.

As used in this Code section, the term:

- (1) ‘Committee’ means the Advisory Committee on Pain Management for the Terminally Ill created under Code Section 31-43-2.

(2) 'Health care professional' means any person licensed under Chapter 4 of Title 26 or under Chapter 9, 10A, 11, 26, 27, 28, 30, 33, 34, 35, or 39 of Title 43.

31-43-2.

(a) There is created the Advisory Committee on Pain Management for the Terminally Ill within the office of the joint-secretary of the state examining boards. The committee shall be composed of 11 members as follows:

(1) Two members shall be physicians licensed to practice medicine in this state, one of whom shall be a primary care physician and the other of whom shall be a specialist in the treatment of patients with terminal illness;

(2) One member shall be a representative of an acute care hospital permitted in this state;

(3) One member shall be a representative of an insurance company licensed to do business as such in this state;

(4) One member shall be a representative of a health maintenance organization licensed to do business as such in this state;

(5) One member shall be a representative of a hospice licensed to do business as such in this state;

(6) One member shall be from the business community, other than any business specified in paragraphs (2) through (5) of this subsection, and other than any health care professional or employee thereof;

(7) One member shall be a consumer member who does not receive for such person's services any remuneration from a business specified in paragraphs (2) through (5) of this subsection or as a health care professional or employee thereof;

(8) One member shall be a registered nurse with experience in the care of the terminally ill;

(9) One member shall be a pharmacist; and

(10) One member shall be the president of the Composite State Board of Medical Examiners and shall serve as chairperson of the committee.

(b) Members of the committee, other than the chairperson, shall be appointed by the Governor and serve at the pleasure of the Governor. Vacancies in such membership positions appointed by the Governor shall be filled by appointment by the Governor. The initial term of such appointment shall be four years.

(c) Members of the committee shall receive the same expense and travel allowance as that received by members of the General Assembly for service on interim legislative committees but for not more than ten days in any 12 month period.

(d) A majority of the appointed members of the committee shall constitute a quorum. The committee shall elect from its membership such other officers as it deems necessary and establish bylaws for its governance.

31-43-3.

The committee shall:

(1) Provide a forum that is open to all health care professionals, to all hospitals permitted under Chapter 7 of this title, and to hospices licensed under Chapter 7 of this title in developing an integrated approach to understanding and applying pain and symptom management techniques;

- (2) Hold a public hearing at least annually to gather information from the general public on issues pertaining to pain and symptom management;
- (3) Develop and encourage the implementation of model core curricula on pain and symptom management;
- (4) Develop recommendations to the licensing boards for health care professionals on integrating pain and symptom management into the customary practice of health care professionals and identifying the role and responsibilities of the various health care professionals in pain and symptom management;
- (5) Develop written materials explaining pain and symptom management and hospice care for distribution to health care professionals, health care payment and benefits plans, and the public;
- (6) Advise the licensing boards for health care professionals on the duration and content of continuing education requirements for pain and symptom management;
- (7) Annually report their activities and recommendations to the Health and Human Services Committee in the Senate and the Health and Ecology Committee in the House of Representatives; and
- (8) In making recommendations and developing written materials under paragraph (4) of this Code section, the committee shall review guidelines on pain and symptom management issued by the United States Department of Health and Human Services.”

SECTION 2.

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

Senators Price of the 56th and Starr of the 44th offered the following amendment:

Amend the committee substitute to SB 670 by inserting following “Section 2” on page 3, line 38 the following:

“This Act shall stand repealed on December 31, 2002.

Section 3”

On the adoption of the amendment, the yeas were 37, nays 1, and the Price of the 56th, Starr amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 38, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Clay	Y Henson
Y Balfour	Y Crofts	Y Hill
Y Blitch	Y Dean	Y Hooks
Y Boshears	Y Egan	Y Huggins
Y Bowen	Y Fort	Y James
Y Broun, 46th	Y Gillis	Y Johnson,D
Y Brown, 26th	Y Glanton	Y Johnson,E
Y Brush	EX Gochenour	Y Kemp
Y Burton	Y Griffin	Y Lamutt
Y Cagle	Y Guhl	Y Land
EX Cheeks	Y Harbison	Y Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	Y Ray	EX Thomas,D
Y Middleton	Y Roberts	Y Thomas,N
Y Oliver	Y Scott	Y Thompson
Y Perdue	Y Starr	Turner
Y Price,R	Y Stokes	EX Tysinger
Y Price,T	Y Streat	Y Walker
Y Ragan	Y Tanksley	

On the passage of the bill, the yeas were 50, nays 0.

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

SB 698. By Senator Taylor of the 12th:

A bill to amend Article 1 of Chapter 20 of Title 45 of the Official Code of Georgia Annotated, relating to the state merit system generally, so as to provide for periodic review and rating of certain employees; to provide for determination and administration of certain performance based increases; to provide for construction of such provisions; to provide an effective date.

Senator Taylor of the 12th offered the following amendment:

Amend SB 698 by adding on line 25, on page 1 after the word Georgia the following "The Department of Adult and Technical Education," and by adding on line 2 of page 2 after the word Georgia the following "The Department of Adult and Technical Education,"

On the adoption of the amendment, the yeas were 33, nays 0, and the Taylor amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Y Tanksley
Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

SB 694. www.libtool.com.cn
By Senator Henson of the 55th:

A bill to amend Chapter 5B of Title 10 of the Official Code of Georgia Annotated, relating to deceptive, fraudulent, or abusive telemarketing, so as to define certain terms; to require certain disclosures in connection with telemarketing of goods and services; to provide for enforcement and for a private right of action; to provide for related matters; to provide for an effective date.

Senator Henson of the 55th asked unanimous consent that SB 694 be dropped to the foot of the Calendar. The consent was granted.

Senator Thomas of the 10th moved that Senator Johnson of the 2nd be excused. On the motion, the yeas were 30, nays 1; the motion prevailed, and Senator Johnson of the 2nd was excused.

The Calendar was resumed.

SB 666. By Senator Price of the 28th:

A bill to amend Code Section 31-3-2 of the Official Code of Georgia Annotated, relating to membership of county boards of health, so as to provide that the county superintendent of schools may designate a person to serve in such superintendent's place as a member of such board.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	EX	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
EX Cheeks	Y	Kemp	Y	Tanksley
Clay	Y	Lamutt		Taylor
Y Crofts	Y	Land	EX	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	EX	Tysinger
Y Glanton	Y	Oliver	Y	Walker
EX Gochenour		Perdue		

On the passage of the bill, the yeas were 47, nays 0.

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

Senator Huggins of the 53rd moved that Senator Ralston of the 51st be excused. On the motion, the yeas were 35, nays 1; the motion prevailed, and Senator Ralston was excused.

Senator Dean of the 31st moved that Senator Turner of the 8th be excused. On the motion, the yeas were 32, nays 0; the motion prevailed, and Senator Turner was excused.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1654. By Representatives Mosley of the 171st, Byrd of the 170th, Smith of the 169th and others:

A bill to amend Code Section 20-2-143 of the Official Code of Georgia Annotated, relating to sex education and AIDS prevention education, so as to require instruction regarding the legal consequences of parenthood.

HB 1556. By Representatives Polak of the 67th, Smyre of the 136th, Walker of the 141st and others:

A bill to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to amend numeric grade averages required for certain grants and scholarships for students graduating from high school in 2000 or thereafter; to provide criteria for eligibility and ineligibility for HOPE grants, HOPE scholarships, HOPE GED vouchers, HOPE teacher's scholarships, and PROMISE teacher's scholarships.

HB 1410. By Representative Barnes of the 33rd:

A bill to amend Chapter 35 of Title 31 of the Official Code of Georgia Annotated, relating to vaccinations for firefighters, emergency medical technicians, and public safety officers, so as to add provisions relating to hepatitis C. protection.

HB 1273. By Representatives Coleman of the 80th, Porter of the 143rd, McBee of the 88th and others:

A bill to amend Code Section 20-2-915 of the Official Code of Georgia Annotated, relating to health insurance coverage for retiring and retired public school employees, so as to provide that such coverage shall be provided.

HB 1666. By Representatives Powell of the 23rd, Burkhalter of the 41st, Hudson of the 156th and others:

A bill to amend Code Section 13-10-1 of the Official Code of Georgia Annotated, relating to bid, performance, and payment bond requirements for contracts for public works, so as to permit a bidder to withdraw its bid from consideration after the bid opening, under certain circumstances, without forfeiting its bid bond or other security.

HB 1639. By Representatives Cooper of the 31st, Shipp of the 38th, Barnes of the 33rd and others:

A bill to amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to stalking, so as to change a definition; to change the penalties for stalking and aggravated stalking; to provide for psychological evaluation and consideration of the entire criminal record of an offender before sentencing for a conviction of stalking or aggravated stalking.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 1106. By Representatives Snow of the 2nd, Murphy of the 18th, Perry of the 11th and others:

A resolution designating the William "Billy" Shaw Abney Memorial Highway.

Senator Perdue of the 18th, President Pro Tempore assumed the Chair.

The Calendar was resumed.

SB 693. By Senators Thompson of the 33rd and Dean of the 31st:

A bill to amend Chapter 2 of Title 32 of the Official Code of Georgia Annotated, relating to the Department of Transportation, so as to authorize the Department of Transportation to acquire, construct, operate, and maintain a demonstration safety rest area and information center in Cobb County; to provide for self-sufficient operation; to authorize the department to delegate its functions and to contract in other ways.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	EX	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
	Brush	Y	James	Y	Starr
Y	Burton	EX	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
EX	Cheeks	Y	Kemp	Y	Tanksley
	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	EX	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	EX	Turner
Y	Gillis	Y	Middleton	EX	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
EX	Gochenour		Perdue(PRS)		

On the passage of the bill, the yeas were 43, nays 0.

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

SB 466. By Senators Clay of the 37th and Cagle of the 49th:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for the designation of state-wide poll watchers for elections and municipal elections; to provide for limitations.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	EX Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Streat
EX Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 45, nays 0.

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

SB 498. By Senators Clay of the 37th and Tanksley of the 32nd:

A bill to amend Code Section 42-1-12 of the Official Code of Georgia Annotated, relating to registration of sexually violent predators, so as to provide for increased penalties for failure to register; to provide for related matters; to provide for an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Crotts	Y Hooks
Y Balfour	Y Dean	Y Huggins
Y Blitch	Y Egan	Y James
Y Boshears	Y Fort	EX Johnson,D
Y Bowen	Y Gillis	Y Johnson,E
Y Broun, 46th	Y Glanton	Y Kemp
Y Brown, 26th	EX Gochenour	Y Lamutt
Y Brush	Y Griffin	Y Land
Y Burton	Y Guhl	Y Langford
Y Cagle	Y Harbison	Y Madden
EX Cheeks	Y Henson	Y Marable
Y Clay	Y Hill	Y Middleton

Y Oliver	Y Roberts	EX Thomas,D
Perdue(PRS)	Y Scott	Y Thomas,N
Y Price,R	Y Starr	Y Thompson
Y Price,T	Y Stokes	EX Turner
Y Ragan	Streat	EX Tysinger
Y Ralston	Y Tanksley	Walker
Y Ray	Y Taylor	

On the passage of the bill, the yeas were 46, nays 0.

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

The following general bill of the Senate, having been read the third time and final action suspended on March 5, 1998, pursuant to Senate Rule 143, and placed on the Senate Rules Calendar for today, was continued upon its passage:

SB 518. By Senators Taylor of the 12th, Harbison of the 15th, Burton of the 5th and others:

A bill to amend Article 3 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to prestige license plates and special plates for certain persons and vehicles, so as to provide for special license plates honoring United States armed forces veterans of the Chosin Reservoir Campaign of 1950 in North Korea.

The Taylor, Streat amendment adopted March 5, 1998 appears in the Journal of March 5, 1998.

The amendment offered by Senators Johnson of the 1st and Johnson of the 2nd on March 5, 1998 as it appears in the Journal of March 5, 1998, was automatically reconsidered.

On the adoption of the amendment, the yeas were 36, nays 0, and the Johnson, Johnson amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Glanton	Y Middleton
Balfour	EX Gochenour	Y Oliver
Y Blitch	Y Griffin	Perdue(PRS)
Y Boshears	Y Guhl	Y Price,R
Y Bowen	Y Harbison	Y Price,T
Broun, 46th	Y Henson	Y Ragan
Y Brown, 26th	Y Hill	Y Ralston
Y Brush	Y Hooks	Y Ray
Y Burton	Y Huggins	Y Roberts
Y Cagle	Y James	Y Scott
EX Cheeks	EX Johnson,D	Y Starr
Y Clay	Y Johnson,E	Y Stokes
Crotts	Y Kemp	Y Streat
Y Dean	Y Lamutt	Y Tanksley
Y Egan	Y Land	Y Taylor
Fort	Y Langford	EX Thomas,D
Y Gillis	Y Madden	Y Thomas,N
	Y Marable	Y Thompson

EX Turner

EX Tysinger

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Walker

On the passage of the bill, the yeas were 44, nays 0.

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

SB 612. By Senators Burton of the 5th and Hill of the 4th:

A bill to amend Article 11 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to public school property and facilities, so as to authorize county boards of education and other public educational institutions to build schoolhouses on real property leased from the state or a political subdivision, instrumentality, agency, or authority of the state.

The Senate Committee on Education offered the following substitute to SB 612:

A BILL

To be entitled an Act to amend Code Section 36-9-3 of the Official Code of Georgia Annotated, relating to sale or disposition of county property, so as to authorize county governing authorities or governing authorities of consolidated governments to sell, grant, lease, rent, convey, or transfer real property or lesser interests in real property, including real property dedicated or used as a park or recreation area, to county boards of education or other public educational institutions for specified purposes; to authorize exchanges; to provide for terms and conditions; to provide for construction; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 36-9-3 of the Official Code of Georgia Annotated, relating to sale or disposition of county property, is amended by striking in its entirety subsection (c), which is reserved, and inserting in lieu thereof the following:

“(c) Any county governing authority and the governing authority of any consolidated government may sell, grant, lease, rent, convey, or transfer any real property owned by the county or consolidated government, including real property dedicated or used as a park or recreation area, to the county board of education or other public educational institution for use as a site for a public school or other educational purpose. Any county governing authority and the governing authority of any consolidated government may sell, grant, convey, or transfer to the county board of education or other public educational institution licenses, easements, or lesser interests in such real property owned by the county or the consolidated government, including real property dedicated or used as a park or recreation area for such purposes. A county governing authority and the governing authority of any consolidated government are authorized to exchange real property, including real property dedicated or used as a park or recreation area, with the county board of education or other public educational institution for other real property for such purposes. Such a sale, grant, lease, rental, conveyance, exchange, or transfer may be made by negotiation between the governing authority and county board of education or other public educational institution without advertisement, bidding, auction, notice, publication, or referendum. This subsection shall not be construed to abrogate or impair any reverter provision or other condition of a sale, grant, conveyance, or transfer of real property to a county governing authority or governing authority of a consolidated government.”

SECTION 2.

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

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	Y James	Y Starr
Y Burton	EX Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Y Walker
EX Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 47, nays 0.

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

SB 634. By Senator Ralston of the 51st:

A bill to amend Part 1 of Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to general provisions relative to privileged testimony, so as to provide that the privilege of communications between an attorney and a client shall include communications between a client and an attorney for another party to an action as to a matter of common interest.

Senator Ralston of the 51st asked unanimous consent that SB 634 be dropped to the bottom of the Calendar. The consent was granted.

The President resumed the Chair.

SB 641. By Senator Thompson of the 33rd:

A bill to amend Title 32 of the Official Code of Georgia Annotated, relating to highways, bridges, and ferries, so as to change certain provisions relating to powers and duties of the department of transportation; to change certain provisions relating to powers of a municipality; to provide an effective date.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
N	Brown, 26th		Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	EX	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
EX	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	N	Land	EX	Thomas,D
Y	Dean	N	Langford		Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	EX	Turner
Y	Gillis	Y	Middleton	EX	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
EX	Gochenour	N	Perdue		

On the passage of the bill, the yeas were 43, nays 4.

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

SB 415. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to amend Code Section 12-5-31 of the Official Code of Georgia Annotated, relating to permits for the withdrawal, diversion, or impoundment of surface water, so as to provide that the procedure for issuing permits for the withdrawal, diversion, or impoundment of water from certain rivers shall include consideration of the recommendation of the Coastal Resources Division of the Department of Natural Resources; to provide for applicability.

The Senate Committee on Natural Resources offered the following substitute to SB 415:

A BILL

To be entitled an Act to amend Code Section 12-5-31 of the Official Code of Georgia Annotated, relating to permits for the withdrawal, diversion, or impoundment of surface water, so as to provide that the procedure for issuing permits for the withdrawal, diversion, or impoundment of water from certain rivers shall include consideration of the recommendation of the Coastal Resources Division of the Department of Natural Resources; to provide for a public interest test in considering applications for permits to withdraw surface water; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 12-5-31 of the Official Code of Georgia Annotated, relating to permits for the withdrawal, diversion, or impoundment of surface water, is amended by inserting at the end thereof the following:

“(p)(1) As used in this subsection, the term ‘coastal zone’ means all tidally influenced waters and submerged land seaward to the state’s jurisdictional limits and all lands, submerged lands, waters, and other resources within the Counties of Brantley, Bryan, Camden, Charlton, Chatham, Effingham, Glynn, Long, Liberty, McIntosh, and Wayne.

(2) In addition to any other requirement provided by law or regulation, the Environmental Protection Division shall forward to the Coastal Resources Division of the Department of Natural Resources any application for a permit for the withdrawal, diversion, or impoundment of more than 500,000 gallons of surface water per day proposed to be located in a county in the coastal zone; provided, however, that such requirement shall not apply to an application for the withdrawal, diversion, or impoundment of surface water for agricultural purposes. The Coastal Resources Division shall then evaluate the application and shall forward its evaluation to the Environmental Protection Division. The Environmental Protection Division shall not be bound by such evaluation, but no permit shall be issued without consideration of the evaluation. The provisions of this subsection shall apply to all permits pending on July 1, 1998, as well as applications submitted on or after such date.

(q)(1) In evaluating the application for a permit, the division shall consider the public interest. For purposes of this Code section, the public interest shall include, but not be limited to, the following considerations:

- (A) Whether the proposed withdrawal is likely to have an adverse effect on other water users, including without limitation public use;
- (B) Whether the proposed withdrawal, combined with the current rate of withdrawal, is likely to meet or exceed the capacity of the source or reservoir; and
- (C) Whether the proposed withdrawal is likely to result in injury to public health, safety, wildlife, recreational or commercial fisheries, or farm uses.

(2) If the division finds that the application is contrary to the public interest, it shall not issue the permit. Whenever there appears to be sufficient public interest, the division may call a public hearing.”

SECTION 2.

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

Senator Marable of the 52nd offered the following substitute to SB 415:

A BILL

To be entitled an Act to amend Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to counties and municipal corporations, so as to prohibit the commencement of certain rock quarry operations under certain circumstances; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 60 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions relative to counties and municipal corporations, is amended by inserting at the end thereof a new Code Section 36-60-19 to read as follows:

"36-60-19.

Any other ~~provision of law to~~ the contrary notwithstanding, if the director of the Environmental Protection Division of the Department of Natural Resources determines through scientific analysis that such a quarry location might have significant impact on the water system, no person may commence the operation of a limestone or dolostone rock quarry located in the Ridge and Valley Province as defined by the Physiographic Map of Georgia, W. Z. Clark and A. C. Zisa, 1976, and within eight miles of any well or spring accessing an underground source of water which provides water to any county or municipality in an amount of at least 50 percent of such county's or municipality's water supply or two million gallons per day, whichever is less."

SECTION 2.

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

SECTION 3.

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

Senator Egan of the 40th requested a ruling by the Chair on the germaneness of the Marable substitute.

Senator Marable of the 52nd asked unanimous consent that his substitute be withdrawn. The consent was granted, and the substitute was withdrawn.

On the adoption of the committee substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	N Ralston
N Bowen	Y Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
Y Brown, 26th	N Huggins	Y Scott
N Brush	Y James	N Starr
Y Burton	EX Johnson,D	Y Stokes
N Cagle	N Johnson,E	Y Streat
EX Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	N Taylor
Y Crotts	N Land	EX Thomas,D
N Dean	Y Langford	Y Thomas,N
Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
N Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	N Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 33, nays 16.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

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Mr. President:

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

HB 1604. By Representative Barnes of the 33rd:

A bill to amend Part 2 of Article 1 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to powers of housing authorities generally, so as to authorize housing authorities to prohibit any person who is not a resident of a project from entering, loitering, or remaining upon the common areas of such project, except in certain circumstances.

HB 1551. By Representatives Walker of the 141st, Irvin of the 45th, Coleman of the 142nd and others:

A bill to amend Article 1 of Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to the real estate transfer tax, so as to increase the tax rate by \$1.00 for the first \$1,000.00 or fractional part of \$1,000.00 and to increase the incremental rate by 10% for each additional \$100.00.

The Calendar was resumed.

SB 475. By Senator Boshears of the 6th:

A bill to amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to game and fish, so as to provide procedures for ceasing to operate certain tracts of land as a wildlife management area.

The Senate Committee on Natural Resources offered the following substitute to SB 475:

A BILL

To be entitled an Act to amend Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to game and fish, so as to provide procedures for ceasing to operate certain tracts of land as a wildlife management area; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 27 of the Official Code of Georgia Annotated, relating to general provisions relative to game and fish, is amended by inserting at the end thereof the following:

“27-1-39.

(a) Except as provided in subsection (c) of this Code section, at least 60 days before it ceases to operate any tract of land consisting of 1,000 acres or more as a wildlife management area on which hunting is permitted, the department shall hold a public hearing at which the commissioner or his or her designee shall present by testimony and other evidence the reasons for taking such action. Such public hearing shall be held in one county in which all or a portion of the affected land lies. Notice of such hearing shall be given by publication in the county organ of each county in which the affected land lies for two consecutive weeks prior to the date of the hearing.

(b) Except as provided in subsection (c) of this Code section, not later than August 31, 1998, the department shall hold a public hearing at which the commissioner or his or her designee shall present by testimony and other evidence the reasons the department ceased to operate any tract of land consisting of 1,000 acres or more as a wildlife management area on which hunting is permitted between January 1, 1997, and July 1, 1998. Such public hearing shall be held in one county in which all or a portion of the affected land lies. Notice of such hearing shall be given by publication in the county organ of each county in which the affected land lies for two consecutive weeks prior to the date of the hearing.

(c) The provisions of subsections (a) and (b) of this Code section shall not apply to any tract of land operated as a wildlife management area where the owner of the land notifies the department that it declines to renew the lease of the land or where the owner of the land requests an increase in rent or lease payments for such tract of land and the department declines to renew the lease at such increased rent or lease payment."

SECTION 2.

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

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	N Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	N Hill	N Ray
Y Broun, 46th	Y Hooks	Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	EX Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
EX Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	Y Langford	Y Thomas,N
N Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 45, nays 4.

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

SB 476. By Senators Crotts of the 17th, Dean of the 31st, Glanton of the 34th and others:

A bill to amend Article 2 of Chapter 3 of Title 16 of the Official Code of Georgia Annotated, relating to justification as a defense to criminal prosecution, so as to provide for threats and use of force in defense of dwellings, places of business, and motor vehicles; to provide for criminal and civil immunity.

Senator Crotts of the 17th offered the following amendment:

Amend SB 476 by Line 6 Page 2 after the word entry add the words
“in a violent and tumultuous manner.”

Line 13 page 2 after the word force delete the words “no matter how”

Line 14 page 2 the word
“slight”

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
N Boshears	Henson	N Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	N Roberts
Y Brown, 26th	N Huggins	Y Scott
N Brush	Y James	Y Starr
N Burton	EX Johnson,D	Stokes
N Cagle	N Johnson,E	N Streat
EX Cheeks	Y Kemp	Tanksley
Y Clay	N Lamutt	Y Taylor
Y Crotts	Y Land	EX Thomas,D
Y Dean	N Langford	Y Thomas,N
Y Egan	N Madden	N Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	N Middleton	EX Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Y Perdue	

On the adoption of the amendment, the yeas were 28, nays 20, and the Crotts amendment was adopted.

Senators Price of the 56th and Crotts of the 17th offered the following amendment:

Amend SB 476 by adding on page 2, line 15, after the word vehicle, the following:
”, or

(4) He reasonably believes that the entry is made or attempted for the purpose of committing a felony therein and that such force is necessary to prevent the commission of the felony.”

On the adoption of the amendment, the yeas were 44, nays 0, and the Price of the 56th, Crotts amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	N	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
N	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	N	James	Y	Starr
Y	Burton	EX	Johnson,D	N	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
EX	Cheeks	Y	Kemp		Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	EX	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
N	Fort	Y	Marable	EX	Turner
Y	Gillis	Y	Middleton	EX	Tysinger
Y	Glanton	Y	Oliver	N	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 42, nays 8.

The bill, having received the requisite constitutional majority, was passed as amended. SB 694 was dropped to the bottom of the Calendar.

SB 634. By Senator Ralston of the 51st:

A bill to amend Part 1 of Article 2 of Chapter 9 of Title 24 of the Official Code of Georgia Annotated, relating to general provisions relative to privileged testimony, so as to provide that the privilege of communications between an attorney and a client shall include communications between a client and an attorney for another party to an action as to a matter of common interest.

Senator Ralston of the 51st offered the following amendment:

Amend SB 634 by inserting on line 7 of page 1, following the word and symbol "interest;", the following:

"to provide for notice of any claim of such privilege; to provide a limitation on the use of such privilege;"

By striking the quotation marks at the end of line 33 of page 1 and by inserting immediately following such line the following:

"(c) Any party claiming the privilege provided in subsection (a) of this Code section shall as soon as practicable disclose such fact to all adverse parties and to the court.

(d) The privilege provided in subsection (a) of this Code section shall not be used to suborn perjury or to conceal or hinder the production of other relevant, unprivileged evidence."

On the adoption of the amendment, the yeas were 37, nays 0, and the Ralston amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	EX Johnson,D	Y Stokes
Y Cagle	Johnson,E	Streat
EX Cheeks	Y Kemp	Tanksley
N Clay	Y Lamutt	Y Taylor
Y Crotts	N Land	EX Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	EX Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the passage of the bill, the yeas were 42, nays 3.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1774. By Representative Byrd of the 170th:

A bill to amend Code Section 1-2-1 of the Official Code of Georgia Annotated, relating to classes of persons, so as to provide for the sexes of persons and the meaning of "gender"

HB 1378. By Representatives Ehrhart of the 36th, Campbell of the 42nd, Wiles of the 34th and others:

A bill to amend Code Section 40-5-67.1 of the Official Code of Georgia Annotated, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspension or denial, hearing and review, compensation of officers, and inspection and certification of breath-testing instruments, so as to provide for legal sufficiency of implied consent notices for certain purposes in certain cases.

HB 244. By Representative Smith of the 175th:

A bill to amend Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to grants for educational programs, so as to provide for grants for lengthening the school year and the conditions and procedures relating thereto.

HB 1179. By Representatives Williams of the 114th and Barnes of the 33rd:

~~A bill to provide for legislative intent; to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, known as the "Georgia Medical Assistance Act of 1977," so as to provide for a definition; to require a modification or waivers of the state plan of medical assistance.~~

HB 1798. By Representatives Murphy of the 18th, Hudson of the 120th, Powell of the 23rd and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for legislative findings and intent; to create a new article to be known as the "Essential Rural Health Care Provider Access Act"

HB 1423. By Representatives Royal of the 164th and Shanahan of the 10th:

A bill to amend Code Section 45-20-9 of the Official Code of Georgia Annotated, relating to procedure for conduct of hearings and appeals regarding adverse personnel actions, so as to provide for the filing of certain appeals with the Office of State Administrative Hearings.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 784. By Representatives Bates of the 179th and Royal of the 164th:

A resolution compensating Mr. E. C. Fogg III.

HR 733. By Representative Dixon of the 168th:

A resolution compensating Guy's Automotive.

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

HB 1437. By Representative Jamieson of the 22nd:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, so as to provide a deduction for certain employer social security tax payments.

HB 932. By Representatives Randall of the 127th, Walker of the 141st and Irvin of the 45th:

A bill to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the regulation of physicians, physician's assistants, and respiratory care, so as to provide that the Composite State Board of Medical Examiners shall function as a separate state agency and shall be a separate budget unit of state government.

The House has adopted by the requisite constitutional majority the following resolutions of the House:

HR 1187. By Representatives Mueller of the 152nd, Pelote of the 149th, Day of the 153rd and others:

A resolution authorizing the conveyance of certain property located in the City of Savannah, Chatham County.

HR 956. By Representative Shaw of the 176th:

A resolution compensating Mr. Henry Elroy Griffis.

HR 790. By Representatives Bates of the 179th and Scheid of the 17th:

A resolution compensating Mr. Tom Bradbury.

HR 789. By Representative Bates of the 179th:

A resolution compensating Mr. James A. Hayes.

HR 837. By Representative Greene of the 158th:

A resolution compensating Ms. Wanda Torbert.

HR 1024. By Representative Allen of the 117th:

A resolution compensating Mr. Harold I. Brown.

HR 866. By Representative Hudson of the 120th:

A resolution compensating Ms. Loretta Cummings.

HR 782. By Representative Golden of the 177th:

A resolution compensating Ms. Ann C. Bennett.

HR 861. By Representative Massey of the 86th:

A resolution compensating Ms. Meredith (Merry) B. Chandler.

HR 786. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. Jimmy W. Harrell.

HR 785. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. Ronnie Cox.

HR 788. By Representatives Bates of the 179th and Golden of the 177th:

A resolution compensating Ms. Emma Lee Byrd.

HR 1055. By Representative Thomas of the 148th:

A resolution compensating Ms. Ailerua A. Newsome Crawford.

HR 1142. By Representative Tillman of the 173rd:

A resolution compensating Mr. Henry C. Batson.

HR 783. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. George Cox.

HR 787. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. R. G. Heard.

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

HB 1557. By Representative Teper of the 61st:

A bill to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corpora-

tions, and other governmental entities, so as to provide for changes to the "Local Government Authorities Registration Act"

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HB 1225. By Representatives Day of the 153rd and Walker of the 141st:

A bill to amend Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to provide for training of members of the General Assembly; to provide for a short title; to provide for legislative intent; to provide for definitions; to provide for a course of training; to provide for expenses; to provide for creation, powers, duties, and authority of the Georgia General Assembly Training Institute.

HB 661. By Representatives Baker of the 70th, Cummings of the 27th, Shanahan of the 10th and others:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that a member of the Employees' Retirement System of Georgia or the Teachers Retirement System of Georgia who becomes employed in a position covered by the other retirement system may elect membership in either retirement system.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 1095. By Representatives Twiggs of the 8th, Lord of the 121st, Cummings of the 27th and others:

A resolution designating Roscoe Collins Drive in Union County.

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

HB 56. By Representative Barnes of the 33rd:

A bill to amend Code Section 47-2-244 of the Official Code of Georgia Annotated, relating to optional benefits available to appellate court judges under the Employees' Retirement System of Georgia, so as to reduce the retirement age applicable to such judges.

HB 1717. By Representatives Trense of the 44th and Hecht of the 97th:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for deprivation determinations when the deprivation is committed by persons while under the influence of drugs or alcohol.

HB 1316. By Representatives Ragas of the 64th, Davis of the 60th, Dix of the 76th and others:

A bill to amend Article 4 of Chapter 2 of Title 9 of the Official Code of Georgia Annotated, relating to dismissal and renewal of civil cases may be recommended in federal court if such a recommencement is not prohibited by federal law.

HB 1660. By Representative Buck of the 135th:

A bill to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, collection, and assessment of sales and use taxes, so as to provide for additional deductions with respect to certain bad credit card debts.

HB 1461. By Representatives Whitaker of the 7th, Smith of the 12th, Shanahan of the 10th and others:

A bill to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, and Article 1 of Chapter 19 of Title 50 of the Official Code of Georgia Annotated, relating to purchase and use of motor vehicles by state departments and entities, so as to prohibit the operation of certain motor vehicles owned or leased by certain governmental entities or purchased or leased with public funds unless such vehicles have certain identifying markings, decals, or seals affixed to them.

HB 1650. By Representatives Coleman of the 142nd, Royal of the 164th and Jamieson of the 22nd:

A bill to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to organization of the executive branch generally, so as to provide for the creation of state service delivery regions.

HB 1702. By Representatives Walker of the 87th, Harbin of the 113th and Johnson of the 84th:

A bill to amend Code Section 28-2-1 of the Official Code of Georgia Annotated, relating to apportionment and qualifications for the House of Representatives, so as to provide for the description of representative districts 84 and 87.

HB 1413. By Representatives Barnes of the 33rd and Sauder of the 29th:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts; to amend Code Section 21-2-213 of the Official Code of Georgia Annotated, relating to county deputy registrars, clerical help, and appointment of a county officer or employee as chief deputy registrar; and to amend Article 3 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to county tax officials and administration.

HB 1420. By Representatives Polak of the 67th, Sherrill of the 62nd, O'Neal of the 75th and others:

A bill to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," so as to make unlawful certain practices relating to requests for advance payment and telemarketing transactions.

The House has adopted by the requisite constitutional majority the following resolution of the House:

HR 1035. By Representatives Jamieson of the 22nd, Williams of the 114th, Parrish of the 144th and others:

A resolution proposing an amendment to the Constitution so as to provide for special veto consideration sessions of the General Assembly.

The following bills were read the first time and referred to committees:

HB 56. By Representative Barnes of the 33rd:

~~A bill to amend Code Section 47-2-244 of the Official Code of Georgia Annotated, relating to optional benefits available to appellate court judges under the Employees' Retirement System of Georgia, so as to reduce the retirement age applicable to such judges.~~

Referred to Committee on Retirement.

HB 244. By Representative Smith of the 175th:

A bill to amend Part 9 of Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to grants for educational programs, so as to provide for grants for lengthening the school year and the conditions and procedures relating thereto.

Referred to Committee on Education.

HB 661. By Representatives Baker of the 70th, Cummings of the 27th and Shanahan of the 10th:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to provide that a member of the Employees' Retirement System of Georgia or the Teachers Retirement System of Georgia who becomes employed in a position covered by the other retirement system may elect membership in either retirement system.

Referred to Committee on Retirement.

HB 932. By Representatives Randall of the 127th, Walker of the 141st and Irvin of the 45th:

A bill to amend Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the regulation of physicians, physician's assistants, and respiratory care, so as to provide that the Composite State Board of Medical Examiners shall function as a separate state agency and shall be a separate budget unit of state government.

Referred to Committee on State and Local Governmental Operations (General).

HB 1161. By Representatives Walker of the 141st, Buck of the 135th, Lee of the 94th and others:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, so as to provide for income tax credits for the purchase or lease of a new low-emission vehicle or the conversion of a conventionally fueled vehicle.

Referred to Committee on Finance and Public Utilities.

HB 1179. By Representatives Williams of the 114th and Barnes of the 33rd:

A bill to provide for legislative intent; to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, known as the "Georgia Medical Assistance Act of 1977," so as to provide for a definition; to require a modification or waivers of the state plan of medical assistance.

Referred to Committee on Health and Human Services.

HB 1225. By Representatives Day of the 153rd and Walker of the 141st:

A bill to amend Title 28 of the Official Code of Georgia Annotated, relating to the General Assembly, so as to provide for training of members of the General Assembly; to provide for a short title; to provide for legislative intent; to provide for definitions; to provide for a course of training; to provide for expenses; to provide for creation, powers, duties, and authority of the Georgia General Assembly Training Institute.

Referred to Committee on State and Local Governmental Operations(General).

HB 1273. By Representatives Coleman of the 80th, Porter of the 143rd, McBee of the 88th and others:

A bill to amend Code Section 20-2-915 of the Official Code of Georgia Annotated, relating to health insurance coverage for retiring and retired public school employees, so as to provide that such coverage shall be provided.

Referred to Committee on Education.

HB 1316. By Representatives Ragas of the 64th, Davis of the 60th, Dix of the 76th and others:

A bill to amend Article 4 of Chapter 2 of Title 9 of the Official Code of Georgia Annotated, relating to dismissal and renewal of civil cases may be recommenced in federal court if such a recommencement is not prohibited by federal law.

Referred to Committee on Judiciary.

HB 1378. By Representatives Ehrhart of the 36th, Campbell of the 42nd, Wiles of the 34th and Richardson of the 26th:

A bill to amend Code Section 40-5-67.1 of the Official Code of Georgia Annotated, relating to chemical tests, implied consent notices, rights of motorists, test results, refusal to submit, suspension or denial, hearing and review, compensation of officers, and inspection and certification of breath-testing instruments, so as to provide for legal sufficiency of implied consent notices for certain purposes in certain cases.

Referred to Committee on Judiciary.

HB 1410. By Representative Barnes of the 33rd:

A bill to amend Chapter 35 of Title 31 of the Official Code of Georgia Annotated, relating to vaccinations for firefighters, emergency medical technicians, and public safety officers, so as to add provisions relating to hepatitis C. protection.

Referred to Committee on Public Safety.

HB 1413. By Representatives Barnes of the 33rd and Sauder of the 29th:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts; to amend Code Section 21-2-213 of the Official Code of Georgia Annotated, relating to county deputy registrars, clerical help, and appointment of a county officer or employee as chief deputy registrar; and to amend Article 3 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to county tax officials and administration.

Referred to Committee on State and Local Governmental Operations (General).

HB 1420. By Representatives Polak of the 67th, Sherrill of the 62nd, O'Neal of the 75th and others:

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A bill to amend Part 2 of Article 15 of Chapter 1 of Title 10 of the Official Code of Georgia Annotated, the "Fair Business Practices Act of 1975," so as to make unlawful certain practices relating to requests for advance payment and telemarketing transactions.

Referred to Committee on Consumer Affairs.

HB 1423. By Representatives Royal of the 164th and Shanahan of the 10th:

A bill to amend Code Section 45-20-9 of the Official Code of Georgia Annotated, relating to procedure for conduct of hearings and appeals regarding adverse personnel actions, so as to provide for the filing of certain appeals with the Office of State Administrative Hearings.

Referred to Committee on State and Local Governmental Operations (General).

HB 1437. By Representative Jamieson of the 22nd:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, so as to provide a deduction for certain employer social security tax payments.

Referred to Committee on Finance and Public Utilities.

HB 1461. By Representatives Whitaker of the 7th, Smith of the 12th, Shanahan of the 10th and others:

A bill to amend Title 36 of the Official Code of Georgia Annotated, relating to local government, and Article 1 of Chapter 19 of Title 50 of the Official Code of Georgia Annotated, relating to purchase and use of motor vehicles by state departments and entities, so as to prohibit the operation of certain motor vehicles owned or leased by certain governmental entities or purchased or leased with public funds unless such vehicles have certain identifying markings, decals, or seals affixed to them.

Referred to Committee on State and Local Governmental Operations (General).

HB 1464. By Representative Channell of the 111th:

A bill to amend Code Section 48-5-45 of the Official Code of Georgia Annotated, relating to filing requirements with respect to homestead exemptions, so as to change certain provisions regarding filing deadlines.

Referred to Committee on Finance and Public Utilities.

HB 1551. By Representatives Walker of the 141st, Irvin of the 45th, Coleman of the 142nd and others:

A bill to amend Article 1 of Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to the real estate transfer tax, so as to increase the tax rate by \$1.00 for the first \$1,000.00 or fractional part of \$1,000.00 and to increase the incremental rate by 10% for each additional \$100.00.

Referred to Committee on Finance and Public Utilities.

HB 1556. By Representatives Polak of the 67th, Smyre of the 136th, Walker of the 141st and others:

A bill to amend Title 20 of the Official Code of Georgia Annotated, relating to education, so as to amend numeric grade averages required for certain grants and scholarships for students graduating from high school in 2000 or thereafter; to provide criteria for eligibility and ineligibility for HOPE grants, HOPE scholarships, HOPE GED vouchers, HOPE teacher's scholarships, and PROM-ISE teacher's scholarships.

Referred to Committee on Higher Education.

HB 1557. By Representative Teper of the 61st:

A bill to amend Chapter 80 of Title 36 of the Official Code of Georgia Annotated, relating to general provisions applicable to counties, municipal corporations, and other governmental entities, so as to provide for changes to the "Local Government Authorities Registration Act"

Referred to Committee on State and Local Governmental Operations (General).

HB 1604. By Representative Barnes of the 33rd:

A bill to amend Part 2 of Article 1 of Chapter 3 of Title 8 of the Official Code of Georgia Annotated, relating to powers of housing authorities generally, so as to authorize housing authorities to prohibit any person who is not a resident of a project from entering, loitering, or remaining upon the common areas of such project, except in certain circumstances.

Referred to Committee on Judiciary.

HB 1639. By Representatives Cooper of the 31st, Skipper of the 137th, Barnes of the 33rd and others:

A bill to amend Article 7 of Chapter 5 of Title 16 of the Official Code of Georgia Annotated, relating to stalking, so as to change a definition; to change the penalties for stalking and aggravated stalking; to provide for psychological evaluation and consideration of the entire criminal record of an offender before sentencing for a conviction of stalking or aggravated stalking.

Referred to Committee on Judiciary.

HB 1650. By Representatives Coleman of the 142nd, Royal of the 164th and Jamieson of the 22nd:

A bill to amend Chapter 4 of Title 50 of the Official Code of Georgia Annotated, relating to organization of the executive branch generally, so as to provide for the creation of state service delivery regions.

Referred to Committee on State and Local Governmental Operations (General).

HB 1654. By Representatives Mosley of the 171st, Byrd of the 170th, Smith of the 169th and others:

A bill to amend Code Section 20-2-143 of the Official Code of Georgia Annotated, relating to sex education and AIDS prevention education, so as to require instruction regarding the legal consequences of parenthood.

Referred to Committee on Education.

HB 1660. By Representative Buck of the 135th:

A bill to amend Part 2 of Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, collection, and assessment

of sales and use taxes, so as to provide for additional deductions with respect to certain bad credit card debts.

Referred to Committee on Finance and Public Utilities.

HB 1664. By Representatives Henson of the 65th, Murphy of the 18th, Teper of the 61st and others:

A bill to amend Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to commissions and other agencies, so as to create the Georgia Commission on the Holocaust.

Referred to Committee on Rules.

HB 1666. By Representatives Powell of the 23rd, Burkhalter of the 41st, Hudson of the 156th and others:

A bill to amend Code Section 13-10-1 of the Official Code of Georgia Annotated, relating to bid, performance, and payment bond requirements for contracts for public works, so as to permit a bidder to withdraw its bid from consideration after the bid opening, under certain circumstances, without forfeiting its bid bond or other security.

Referred to Committee on Science, Technology and Industry.

HB 1702. By Representatives Walker of the 87th, Harbin of the 113th and Johnson of the 84th:

A bill to amend Code Section 28-2-1 of the Official Code of Georgia Annotated, relating to apportionment and qualifications for the House of Representatives, so as to provide for the description of representative districts 84 and 87.

Referred to Committee on Reapportionment.

HB 1717. By Representatives Trense of the 44th and Hecht of the 97th:

A bill to amend Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for deprivation determinations when the deprivation is committed by persons while under the influence of drugs or alcohol.

Referred to Committee on Judiciary.

HB 1774. By Representative Byrd of the 170th:

A bill to amend Code Section 1-2-1 of the Official Code of Georgia Annotated, relating to classes of persons, so as to provide for the sexes of persons and the meaning of "gender"

Referred to Committee on Special Judiciary.

HB 1798. By Representatives Murphy of the 18th, Hudson of the 120th, Powell of the 23rd and others:

A bill to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for legislative findings and intent; to create a new article to be known as the "Essential Rural Health Care Provider Access Act"

Referred to Committee on Health and Human Services.

HB 1806. By Representatives Johnston of the 81st, Rice of the 79th, Coan of the 82nd and others:

A bill to amend an Act creating the board of commissioners of Gwinnett County, so as to provide that neither Gwinnett County nor its agents or officials shall use race, color, creed, gender, or national origin as a criterion for either discriminating against or granting preferential treatment to any individual or group in public employment, public education, or public contracting.

Referred to Committee on State and Local Governmental Operations.

HB 1821. By Representatives Bannister of the 77th, Coleman of the 80th, Breedlove of the 85th and others:

A bill to amend an Act known as the "Gwinnett County Merit System Act" and authorizing Gwinnett County and the governing authority thereof to appoint a Merit System Board, so as to change the provisions relating to selection of board members.

Referred to Committee on State and Local Governmental Operations.

HB 1822. By Representatives Brown of the 130th and Epps of the 131st:

A bill to amend an Act entitled "An Act creating a Board of Commissioners for Troup County," so as to change the compensation of the members and the chairperson of said board.

Referred to Committee on State and Local Governmental Operations.

HB 1823. By Representatives Parham of the 122nd and Hudson of the 120th:

A bill to amend an Act consolidating the offices of tax receiver and tax collector of Baldwin County into the office of tax commissioner of Baldwin County, so as to change the provisions relating to the compensation of the tax commissioner.

Referred to Committee on State and Local Governmental Operations.

HB 1824. By Representative Houston of the 166th:

A bill to amend an Act establishing a new charter for the Town of Sparks, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmen.

Referred to Committee on State and Local Governmental Operations.

HB 1826. By Representatives DeLoach of the 172nd, Barnard of the 154th, Mosley of the 171st and Tillman of the 173rd:

A bill to provide a homestead exemption from Liberty County ad valorem taxes for county purposes in the amount of \$15,000.00 of the assessed value of the homestead for certain residents of that county who are 62 years of age or over.

Referred to Committee on State and Local Governmental Operations.

HB 1827. By Representatives DeLoach of the 172nd, Barnard of the 154th, Mosley of the 171st and Tillman of the 173rd:

A bill to provide a homestead exemption from certain Liberty County ad valorem taxes for county purposes in the amount of \$5,000.00 of the assessed value of the homestead of certain residents of that county.

Referred to Committee on State and Local Governmental Operations.

HB 1828. By Representatives DeLoach of the 172nd, Barnard of the 154th, Mosley of the 171st and Tillman of the 173rd:

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A bill to provide a homestead exemption from Liberty County School District ad valorem taxes for educational purposes in the amount of \$15,000.00 of the assessed value of the homestead for certain residents of that school district who are 62 years of age or over.

Referred to Committee on State and Local Governmental Operations.

HB 1829. By Representative Massey of the 86th:

A bill to provide for an advisory referendum election to be held in the City of Auburn for the purpose of ascertaining whether the charter of the City of Auburn should be dissolved.

Referred to Committee on State and Local Governmental Operations.

HB 1830. By Representatives Whitaker of the 7th and Poag of the 6th:

A bill to provide a homestead exemption from Fannin County School District ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding \$20,000.00 and who are 62 years of age or over.

Referred to Committee on State and Local Governmental Operations.

HB 1831. By Representative Crawford of the 129th:

A bill to amend an Act creating the Board of Commissioners of Pike County, so as to provide for a county manager.

Referred to Committee on State and Local Governmental Operations.

HB 1832. By Representative Crawford of the 129th:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Pike County.

Referred to Committee on State and Local Governmental Operations.

HB 1833. By Representative Whitaker of the 7th:

A bill to provide for the compensation of the chief magistrate of the Magistrate Court of Lumpkin County.

Referred to Committee on State and Local Governmental Operations.

HB 1834. By Representatives Sauder of the 29th, Bradford of the 30th, Parsons of the 40th and others:

A bill to amend an Act creating the Cobb County-Marietta Water Authority, so as to change the membership of the authority.

Referred to Committee on State and Local Governmental Operations.

HR 733. By Representative Dixon of the 168th:

A resolution compensating Guy's Automotive.

Referred to Committee on Appropriations.

HR 782. By Representative Golden of the 177th:

A resolution compensating Ms. Ann C. Bennett.

Referred to ~~Committee on Appropriations~~ [www.Committee on Appropriations](#).

HR 783. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. George Cox.

Referred to Committee on Appropriations.

HR 784. By Representatives Bates of the 179th and Royal of the 164th:

A resolution compensating Mr. E. C. Fogg III.

Referred to Committee on Appropriations.

HR 785. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. Ronnie Cox.

Referred to Committee on Appropriations.

HR 786. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. Jimmy W. Harrell.

Referred to Committee on Appropriations.

HR 787. By Representatives Bates of the 179th and Ponder of the 160th:

A resolution compensating Mr. R. G. Heard.

Referred to Committee on Appropriations.

HR 788. By Representatives Bates of the 179th and Golden of the 177th:

A resolution compensating Ms. Emma Lee Byrd.

Referred to Committee on Appropriations.

HR 789. By Representative Bates of the 179th:

A resolution compensating Mr. James A. Hayes.

Referred to Committee on Appropriations.

HR 790. By Representatives Bates of the 179th and Scheid of the 17th:

A resolution compensating Mr. Tom Bradbury.

Referred to Committee on Appropriations.

HR 837. By Representative Greene of the 158th:

A resolution compensating Ms. Wanda Torbert.

Referred to Committee on Appropriations.

HR 861. By Representative Massey of the 86th:

A resolution compensating Ms. Meredith (Merry) B. Chandler.

Referred to Committee on Appropriations.

HR 866. By Representative Hudson of the 120th:

A resolution compensating Ms. Loretta Cummings.

Referred to Committee on Appropriations.

HR 956. By Representative Shaw of the 176th:

A resolution compensating Mr. Henry Elroy Griffis.

Referred to ~~Committee on~~ Appropriations.

HR 1024. By Representative Allen of the 117th:

A resolution compensating Mr. Harold I. Brown.

Referred to Committee on Appropriations.

HR 1035. By Representatives Jamieson of the 22nd, Williams of the 114th, Smyre of the 136th and others:

A resolution proposing an amendment to the Constitution so as to provide for special veto consideration sessions of the General Assembly.

Referred to Committee on Rules.

HR 1055. By Representative Thomas of the 148th:

A resolution compensating Ms. Ailerua A. Newsome Crawford.

Referred to Committee on Appropriations.

HR 1095. By Representatives Twiggs of the 8th, Lord of the 121st, Cummings of the 27th and Connell of the 115th:

A resolution designating Roscoe Collins Drive in Union County.

Referred to Committee on Transportation.

HR 1106. By Representatives Snow of the 2nd, Murphy of the 18th, Perry of the 11th and others:

A resolution designating the William "Billy" Shaw Abney Memorial Highway.

Referred to Committee on Transportation.

HR 1142. By Representative Tillman of the 173rd:

A resolution compensating Mr. Henry C. Batson.

Referred to Committee on Appropriations.

HR 1187. By Representatives Mueller of the 152nd, Pelote of the 149th, Day of the 153rd and others:

A resolution authorizing the conveyance of certain property located in the City of Savannah, Chatham County.

Referred to Committee on Finance and Public Utilities.

At 4:01 P.M. Senator Walker of the 22nd moved that the Senate stand in recess until midnight and at that time, pursuant to HR 1165, adjourn until 10:00 A.M., Monday, March 9, 1998; the motion prevailed.

At 12:00 midnight, the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Monday, March 9, 1998
Thirty-fourth Legislative Day

www.libtool.com.cn

The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of Friday, March 6, 1998 proceedings had been read and found correct.

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

The following resolutions were introduced, read the first time and referred to committees:

SR 731. By Senator Streat of the 19th:

A resolution creating the Senate Advisory Committee to the City of Nicholls.

Referred to Committee on Rules.

SR 732. By Senators Walker of the 22nd, Dean of the 31st and Thomas of the 10th:

A resolution creating the Senate Study Committee on Unauthorized Changes of a Telephone Customer's Primary Long Distance or Local Exchange Carrier.

Referred to Committee on Rules.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

- | | |
|-------------------|-------------------|
| SB 707. Do pass. | HB 1801. Do pass. |
| SB 708. Do pass. | HB 1809. Do pass. |
| HB 1793. Do pass. | HB 1810. Do pass. |

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

- HB 441. Do pass by substitute.

Respectfully submitted,

Senator Cheeks of the 23rd District, Chairman

The following bills and resolution were read the second time:

- HB 236 HB 1116 HB 1130 HB 1667 HR 1004

Senator Dean of the 31st moved that Senator Turner of the 8th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Turner was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Blitch	Guhl	Price,R
Boshears	Harbison	Price,T
Bowen	Henson	Ragan
Broun, 46th	Hill	Ralston
Brown, 26th	Hooks	Roberts
Burton	Huggins	Scott
Cagle	James	Starr
Cheeks	Johnson,E	Stokes
Clay	Kemp	Streat
Crotts	Lamutt	Tanksley
Dean	Land	Taylor
Fort	Madden	Thomas,D
Gillis	Marable	Thompson
Glanton	Middleton	Tysinger
Gochenour	Oliver	

Those not answering were:

Abernathy	Griffin	Ray
Balfour	Johnson,D	Thomas,N
Brush	Langford	Turner (excused)
Egan	Perdue(PRS)	Walker

The following correspondence was received by the Secretary:

March 9, 1998

TO: Honorable Frank Eldridge
Secretary of the Senate

FROM: Senator Diana Harvey Johnson

Please note that I was present on March 9, 1998 as my votes on the various bills will attest. However, at roll call I was in my office conducting constituent business.

Thank you for including this note in the JOURNAL, and for your continued support and cooperation.

Sincerely,

/s/Diana Harvey Johnson
State Senate
District 2

Senator Perdue of the 18th, President Pro Tempore, led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Kemp of the 3rd introduced the chaplain of the day, Dr. Carroll Phillips of Impact Ministries, Atlanta, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 729. By Senator Hill of the 4th:

A resolution commending the congregation of the First Baptist Church of Springfield on its 150th anniversary.

SR 730. By Senators Cagle of the 49th, Perdue of the 18th, Madden of the 47th and others:
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 A resolution commending and honoring the distinguished career of April Lavender.

SR 733. By Senators Henson of the 55th, Middleton of the 50th, Oliver of the 42nd and Marable of the 52nd:
 A resolution commending UAW Local 10 in Doraville, Georgia, for 50 years of service to its members and the community.

Senator Oliver of the 42nd moved that the following bill be withdrawn from the Insurance and Labor Committee and committed to the Judiciary Committee:

HB 1240. By Representative Bordeaux of the 151st:

A bill to amend Code Section 33-7-11 of the Official Code of Georgia Annotated, relating to requirements of motor vehicle liability insurance policies and coverage of claims against uninsured motorists, so as to provide for recovery under a policy of motor vehicle liability insurance of the amount of actual loss not exceeding coverage limits without regard to any amount paid by any insurer in compromise and settlement of a claim under a policy of uninsured motorist coverage.

On the motion, the yeas were 34, nays 0; the motion prevailed, and HB 1240 was committed to the Judiciary Committee.

Senator Ragan of the 11th moved that the following bill be withdrawn from the Agriculture Committee and committed to the Higher Education Committee:

HB 884. By Representatives Hugley of the 133rd, Taylor of the 134th and Polak of the 67th:

A bill to amend Code Section 2-7-102 of the Official Code of Georgia Annotated, relating to grounds for denial, suspension, and revocation of various pesticide licenses, so as to provide for the denial or suspension of a license for failure to repay a student loan; to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for the denial or suspension of licenses for mortgage lenders and brokers for failure to repay a student loan.

On the motion, the yeas were 34, nays 0; the motion prevailed, and HB 884 was committed to the Higher Education Committee.

Senator Harbison of the 15th moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 35, nays 0; the motion prevailed, and Senator Stokes was excused.

Senator Ralston of the 51st moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Middleton was excused.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

www.libtool.com.cn Monday, March 9, 1998

THIRTY-FOURTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 707 Ralston, 51st
CITY OF BALL GROUND

A bill to amend an Act providing a new charter for the City of Ball Ground, as amended, so as to change the corporate limits of the city.

SB 708 Burton, 5th
Balfour, 9th
Tysinger, 41st
Ray, 48th
Price, 56th
GWINNETT COUNTY

A bill to amend an Act to provide an exemption from Gwinnett County School District ad valorem taxes for the full value of the homestead of each resident of the Gwinnett County School District who is 65 years of age or over or who is disabled and who meets certain conditions, terms, and requirements for such exemption.

HB 1793 Hooks, 14th
SUMTER COUNTY

A bill to amend an Act providing for the election of the Sumter County Board of Education, so as to provide for the election of the members of the board in nonpartisan elections without prior nonpartisan primaries.

HB 1801 Johnson, 1st
Johnson, 2nd
CHATHAM COUNTY

A bill to amend an Act providing for the compensation of certain officials in Chatham County, so as to change the compensation of the coroner.

HB 1809 Kemp, 3rd
LIBERTY COUNTY

A bill to provide that no constitutional officer of Liberty County shall receive a fee, commission, or other compensation for the discharge of the duties of his or her office other than the salaries authorized by law.

HB 1810 Kemp, 3rd
LIBERTY COUNTY

A bill to amend an Act entitled "An Act creating the office of tax commissioner of Liberty County," so as to change the method of compensating the tax commissioner.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the passage of the local bills, the yeas were 48, nays 0.

The bills on the Local Consent Calendar, having received the requisite constitutional majority, were passed.

Senator Middleton of the 50th introduced the doctor of the day, Dr. Jeff Culpepper of Dahlonega, Georgia.

SENATE RULES CALENDAR

Monday, March 9, 1998

THIRTY-FOURTH LEGISLATIVE DAY

HB 1538	Special license plates; United States Disabled Athletes Fund; fees and costs (Trans-33rd) Hanner-159th
HB 1140	Employment security; drug-free workplace; contribution rates (Amendment)(I&L-4th) Smith-109th
HB 1388	Ad valorem tax; certain places of worship; additional exemptions (F&PU-44th) Smith-169th
HB 1529	Elections; certain state-wide offices; plurality election (SLGO-G-22nd) Teper-61st
HB 1254	Corrections; sentence packages; reduce required number (Corr-31st) Dobbs-92nd

- HB 1425 Firearm possession; restrictions; exempt certain peace officers (Substitute)(Pub Saf-37th) Kaye-37th
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- HR 1031 ~ "George B. Culpepper Highway"; designate (Trans-14th) Ray-128th
- HR 1067 Fulton County; lease property (Substitute)(F&PU-42nd) Orrock-56th
- HB 1323 Georgia Indigent Defense Council; use of private funds; amend provisions (Judy-16th) Martin-47th
- HB 1206 Municipal courts; certain shoplifting cases; disposal (S Judy-40th) Campbell-42nd
- HB 1324 Ad valorem tax; certain heavy-duty vehicles; provisions (F&PU-33rd) Jamieson-22nd
- HB 1350 Ad valorem tax; exempt certain trees, bushes, plants (Substitute) (F&PU-25th) Ray-128th
- HB 1086 Osteoporosis; Bone Mass Measurement Coverage Act; enact (H&HS-2nd) Henson-65th
- HB 1467 Special county 1% tax; use for certain voting equipment (F&PU-31st) Royal-164th
- HB 1094 MARTA; contracts; amend provisions (F&PU-41st) Baker-70th
- HB 1242 Cotton; authorize assessment per bale (Ag-11th) Reaves-178th
- HB 1444 Commercial crabbing license; amend provisions (Nat R-3rd) DeLoach-172nd
- HB 1513 Income tax; qualified caregiving expenses; provide for credit (F&PU-44th) Sherrill-62nd

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

Senator Madden of the 47th moved that Senator Guhl of the 45th be excused. On the motion, the yeas were 31, nays 1; the motion prevailed, and Senator Guhl was excused.

The following general bills were read the third time and put upon their passage:

HB 1538. By Representatives Hanner of the 159th, Parrish of the 144th and Barnes of the 33rd:

A bill to amend Code Section 40-2-48 of the Official Code of Georgia Annotated, relating to license plates promoting the United States Disabled Athletes Fund, so as to change certain provisions relating to annual renewal; to change certain provisions relating to manufacturing costs.

Senator Sponsor: Senator Thompson of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	EX Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 47, nays 0.

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

HB 1140. By Representatives Smith of the 109th, Howard of the 118th, Orrock of the 56th and others:

A bill to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, known as the "Employment Security Law," so as to change the provisions relating to rate of employer contributions; to provide that each new or newly covered employer which has implemented a certain drug-free workplace program shall pay contributions at a rate of 0.2 percent lower than certain other rates specified.

Senate Sponsor: Senator Hill of the 4th.

The Senate Committee on Insurance and Labor offered the following amendment:

Amend HB 1140 by striking from lines 18 and 19 on page 1 the following:

"as complying with Code Section 33-9-40.2"

By adding on line 29 of page 1 between the semicolon and the word "to" the following:

"to provide that the State Board of Workers' Compensation is authorized to certify certain employers who meet the criteria set forth in Article 11 of Chapter 9 of Title 34; to amend Article 11 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to drug-free workplace programs, so as to provide that a self-insured employer or employer member of a group self-insurance fund who implements a certain drug-free workplace program and who complies with certain other provisions of law shall be certified by the State Board of Workers' Compensation as having a drug-free workplace program; to define certain terms;"

By striking from lines 26 and 27 of page 2 the following:

"as complying with Code Section 33-9-40.2",

and inserting in lieu thereof the following:

“pursuant to Article 11 of Chapter 9 of this title”

By striking from line 27 of page 5 the following:

“as complying with Code Section 33-9-40.2”,

and inserting in lieu thereof the following:

“pursuant to Article 11 of Chapter 9 of this title”

By adding on line 39 of page 5 between the period and the word “This” the following:

“For purposes of this Code section, the State Board of Workers’ Compensation is authorized to certify any employer as defined in Code Section 34-8-33 so long as such employer otherwise meets the criteria set forth in Article 11 of Chapter 9 of Title 34.”

By redesignating Sections 8 and 9 on page 8 as Sections 10 and 11, respectively, and inserting between lines 13 and 14 on page 8 the following:

SECTION 8.

Article 11 of Chapter 9 of Title 34 of the Official Code of Georgia Annotated, relating to drug-free workplace programs, is amended in Code Section 34-9-411, relating to definitions applicable to drug-free workplace programs, by adding in their respective places the following new paragraphs:

‘(7.1) “Employer member of a group self-insurance fund” means any employer who is a member of a fund certified pursuant to Code Section 34-9-153.’

‘(14.1) “Self-insured employer” means any employer certified pursuant to Code Section 34-9-127.’

SECTION 9.

Said article is further amended by adding between Code Sections 34-9-412 and 34-9-413, relating to drug-free workplace programs, a new Code Section 34-9-412.1 to read as follows:

‘34-9-412.1.

A self-insured employer or an employer member of a group self-insurance fund who implements a drug-free workplace program substantially in accordance with Code Section 34-9-413 and who complies with all other provisions of this article required of employers in order to qualify for insurance premium discounts shall be certified by the State Board of Workers’ Compensation as having a drug-free workplace program in compliance with this article.”

On the adoption of the amendment, the yeas were 31, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Burton	Y Gillis
Y Balfour	Y Cagle	Y Glanton
Y Blitch	Y Cheeks	Y Gochenour
Y Boshears	Y Clay	Y Griffin
Y Bowen	Y Crotts	Y Guhl
Y Broun, 46th	Y Dean	Y Harbison
Y Brown, 26th	Y Egan	Y Henson
Y Brush	Y Fort	Y Hill

Y Hooks	EX Middleton	EX Stokes
Y Huggins	Y Oliver	Y Streat
Y James	Perdue(PRS)	Y Tanksley
Y Johnson,D	Y Price,R	Y Taylor
Y Johnson,E	Y Price,T	Y Thomas,D
Y Kemp	Y Ragan	Y Thomas,N
Y Lamutt	Y Ralston	Y Thompson
Y Land	Y Ray	EX Turner
Y Langford	Y Roberts	Y Tysinger
Y Madden	Y Scott	Walker
Y Marable	Y Starr	

On the passage of the bill, the yeas were 51, nays 0.

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

The President assumed the Chair.

HB 1388. By Representatives Smith of the 169th, Barnes of the 33rd, Mosley of the 171st and others:

A bill to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to exemption of property from ad valorem taxation, so as to broaden the ad valorem tax exemption for places of religious worship to include properties owned by any national, state, or local denomination and the agencies thereof.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	EX Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1529. By Representative Teper of the 61st:

~~A bill to amend Code Section 21-2-501 of the Official Code of Georgia Annotated, relating to the proportion of votes cast required for nomination or election to public office, so as to delete provisions requiring a majority vote for election to certain state-wide elected offices; to thereby provide for the election of such officers by plurality vote in the same manner as other public officers.~~

Senate Sponsor: Senator Walker of the 22nd.

Senators Clay of the 37th, Price of the 56th and Ralston of the 51st offered the following amendment:

Amend HB 1529 by replacing lines 4 through 7 of page 1 as follows:

“to provide that the Governor, Lieutenant Governor, United States Senators, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor shall be elected by majority vote; to provide for procedures; to provide an”

By replacing lines 15 through 24 of page 1 as follows:

“striking subsection (d) and inserting in lieu thereof a new subsection (d) to read as follows:

~~“(d) Until and unless Article V, Section H, Paragraph VIII(b) of the Constitution is amended so as to provide for plurality election of the Notwithstanding the provisions of subsections (a), (b), and (c) of this Code section or any other law to the contrary, the Governor, Lieutenant Governor, United States Senators, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor, such officers shall continue to be elected by majority vote as provided by the law in effect prior to July 1, 1994. In the event no candidate for the office of Governor, Lieutenant Governor, United States Senator, Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, or Commissioner of Labor receives a majority of the whole number of votes cast in the general election, the Secretary of State shall continue the election for the office in which no candidate received a majority by immediately calling a run-off election and designating as candidates therein the candidates who received the two highest numbers of votes for the particular office concerned and who continue in life and have not declined to continue as a candidate. This run-off election shall be held on the third Tuesday immediately following the general election. The run-off election shall be a continuation of the general election for the particular office concerned, and only the electors who were entitled to vote in the general election for candidates for that particular office shall be entitled to vote therein; and only those votes cast for the persons designated by the Secretary of State as candidates in such run-off election shall be counted in the tabulation and canvass of the votes cast. The person having the highest number of votes entitled to be counted in the run-off election for each of such offices shall be declared duly elected.”~~

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

N	Abernathy	N	Bowen	Y	Burton
Y	Balfour	N	Broun, 46th	Y	Cagle
N	Blicht	N	Brown, 26th	N	Cheeks
Y	Boshears	Y	Brush	Y	Clay

Y Crotts	N Johnson,D	Y Ray
N Dean	Y Johnson,E	Y Roberts
Y Egan	N Kemp	N Scott
N Fort	Y Lamutt	N Starr
N Gillis	Y Land	N Stokes
Y Glanton	N Langford	N Streat
Y Gochenour	N Madden	Y Tanksley
N Griffin	N Marable	N Taylor
Y Guhl	N Middleton	Y Thomas,D
N Harbison	N Oliver	N Thomas,N
N Henson	N Perdue	N Thompson
N Hill	Y Price,R	EX Turner
N Hooks	Y Price,T	Y Tysinger
N Huggins	N Ragan	N Walker
James	Y Ralston	

On the adoption of the amendment, the yeas were 22, nays 32, and the Clay, et al. amendment was lost.

Senators Fort of the 39th and Clay of the 37th offered the following substitute to HB 1529:

A BILL

To be entitled an Act to amend Code Section 21-2-501 of the Official Code of Georgia Annotated, relating to the proportion of votes cast required for nomination or election to public office, so as to delete provisions requiring a majority vote for election to certain state-wide elected offices; to provide for nomination by plurality vote for certain public officers; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 21-2-501 of the Official Code of Georgia Annotated, relating to the proportion of votes cast required for nomination or election to public office, is amended by striking subsections (a) and (d) and inserting in their respective places new subsections to read as follows:

“(a) Except as otherwise provided in this Code section, no candidate shall be nominated for public office in any primary or elected to public office in any special election unless such candidate shall have received a majority plurality of the votes cast to fill such nomination or public office. In instances where no candidate receives a majority plurality of the votes cast, a run-off primary or special election runoff between the candidates receiving the two highest numbers of votes shall be held. Unless such date is postponed by a court order, such run-off primary or special election runoff shall be held on the twenty-first day after the day of holding the preceding primary or special election, provided that unless postponed by court order, a runoff in the case of a special primary or special election shall be held no sooner than the fourteenth day and no later than the twenty-first day after the day of holding the preceding special primary or special election, which run-off day shall be determined by the Secretary of State in a runoff to fill a federal or state office, or by the superintendent in a runoff to fill a county or militia district office. If any candidate eligible to be in a runoff withdraws, dies, or is found to be ineligible, the remaining candidates receiving the two highest numbers of votes shall be the candidates in the runoff. The candidate receiving the

highest number of the votes cast in such run-off primary or special election runoff to fill the nomination or public office sought shall be declared the winner. The name of a write-in candidate eligible for election in a runoff shall be printed on the special election run-off ballot in the independent column. The run-off primary or special election runoff shall be a continuation of the primary or special election for the particular office concerned, and only the electors who were entitled to vote in the primary or special election for candidates for that particular office shall be entitled to vote therein; and only those votes cast for the persons designated as candidates in such run-off primary or special election runoff shall be counted in the tabulation and canvass of the votes cast. No elector shall vote in a run-off primary in violation of Code Section 21-2-224."

"(d) Until and unless Article V, Section H, Paragraph VIII(b) of the Constitution is amended so as to provide for plurality election of the Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor, such officers shall continue to be elected by majority vote as provided by the law in effect prior to July 1, 1994. As used in this Code section, the term plurality shall have the meaning specified in Code Section 21-2-2. Any other provision of this chapter which prior to July 1, 1998, required a majority vote for nomination or election shall on and after July 1, 1998, be deemed to require a plurality vote for nomination or election as the case may be. This subsection shall apply in particular, without limiting the generality of the foregoing, to the provisions of Code Sections 21-2-134 and 21-2-284.1 relating to nonpartisan primaries and elections."

SECTION 2.

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

SECTION 3.

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

On the adoption of the substitute, Senator Price of the 28th called for the yeas and nays. The call was sustained, and the vote was as follows:

N Abernathy	N Glanton	N Middleton
Y Balfour	Y Gochenour	N Oliver
N Blitch	N Griffin	N Perdue
Y Boshears	Y Guhl	Y Price,R
N Bowen	N Harbison	Y Price,T
N Broun, 46th	N Henson	N Ragan
Y Brown, 26th	N Hill	Y Ralston
Y Brush	N Hooks	Y Ray
Y Burton	N Huggins	Y Roberts
Y Cagle	N James	N Scott
N Cheeks	N Johnson,D	N Starr
Y Clay	Y Johnson,E	N Stokes
Y Crotts	N Kemp	N Streat
N Dean	Y Lamutt	Y Tanksley
Y Egan	Y Land	N Taylor
Y Fort	N Langford	Y Thomas,D
N Gillis	N Madden	N Thomas,N
	N Marable	N Thompson

EX Turner

Y Tysinger
N Walker

On the adoption of the substitute, the yeas were 23, nays 32, and the Fort, Clay substitute was lost.

Senator Langford of the 29th offered the following substitute:

A BILL

To be entitled an Act to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide that registered political bodies may nominate candidates for all offices; to delete provisions requiring a majority vote for election to certain state-wide elected offices; to thereby provide for the election of such officers by plurality vote in the same manner as other public officers; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 21 of the Official Code of Georgia Annotated, relating to elections, is amended by striking in its entirety paragraph (3) of Code Section 21-2-130, relating to procedures for qualification of candidates generally, and inserting in lieu thereof the following:

“(3) Nomination for ~~a state-wide~~ an office by a duly constituted political body convention as prescribed in Code Section 21-2-172 if the political body making the nomination has qualified to nominate candidates for ~~state-wide~~ public office under the provisions of Code Section 21-2-180;”

SECTION 2.

Said title is further amended by striking in its entirety Part 4 of Article 4 of Chapter 2 thereof, relating to nomination of candidates of political bodies for state-wide public office by convention, and inserting in lieu thereof a new Part 4 to read as follows:

“Part 4

21-2-180.

Any political body which is duly registered as provided for in Code Section 21-2-110 is qualified to nominate candidates for ~~state-wide~~ public office by convention if:

- (1) The political body files with the Secretary of State a petition signed by voters equal in number to 1 percent of the registered voters who were registered and eligible to vote in the preceding general election; or
- (2) At the preceding general election, the political body nominated a candidate for state-wide office and such candidate received a number of votes equal to 1 percent of the total number of registered voters who were registered and eligible to vote in such general election.

21-2-181.

Petitions to qualify political bodies to nominate candidates for ~~state-wide~~ public office by convention shall be filed with the Secretary of State and shall be signed by voters in the manner provided in this part. Such petitions shall provide sufficient space for the printing of the voter's name and for the voter's signature. No forms other than those prescribed in this part shall be used for qualifying a political body to nominate candidates for public office.

21-2-182.

Each person signing a political body qualifying petition shall declare therein that such person is a duly qualified and registered voter of the state, entitled to vote in the next election for members of the General Assembly, and shall provide with such person's signature such person's residence address and county and the date of such person's signature. No person shall sign the same petition more than once. Each petition shall support the qualification of only one political body. No signature shall be valid if made more than 15 months prior to the submission of the petitions to the Secretary of State. A signature shall be stricken from the petition when the signer so requests prior to the presentation of the petitions to the Secretary of State for filing, but such request shall be disregarded if made after such presentation.

21-2-183.

(a) A petition to qualify a political body to nominate candidates for public office by convention shall be on one or more sheets of uniform size, and different sheets must be used by signers residing in different counties. The upper portion of each sheet, prior to being signed by any petitioner, shall bear the name and title of the Secretary of State and the political body to be formed by the petition. If more than one sheet is used, they shall be bound together when offered for filing and each sheet shall be numbered consecutively, beginning with number one, at the foot of each page.

(b) Each sheet shall bear on the bottom or back thereof the affidavit of the circulator of such sheet setting forth:

- (1) The residence address of the circulator;
- (2) That each signer manually signed such signer's own name with full knowledge of the contents of the political body qualifying petitions;
- (3) That, to the best of the affiant's knowledge and belief, the signers are registered voters of the State of Georgia, qualified to sign the petition;
- (4) That their respective residences are correctly stated in the petition; and
- (5) That they all reside in the county named in the affidavit.

21-2-184.

A petition to qualify a political body to nominate candidates for ~~state-wide~~ public office by convention shall not be amended or supplemented after its presentation to the Secretary of State for filing.

21-2-185.

No petition to qualify a political body shall be submitted to the Secretary of State for verification after 12:00 Noon on the second Tuesday in July.

21-2-186.

Petitions to qualify a political body to nominate candidates for ~~state-wide~~ public office by convention shall be examined and shall be subject to judicial review in the same manner as provided for candidates nominated by petition pursuant to Code Section 21-2-171.

21-2-187.

Political bodies shall hold their conventions in accordance with Code Section 21-2-172 and candidates nominated for ~~state-wide~~ public office in convention shall file a notice of candidacy no earlier than 9:00 A.M. on the fourth Monday in June immediately prior to the election and no later than 12:00 Noon on the Friday following the fourth

Monday in June as prescribed in Code Section 21-2-132; provided, however, that the political body must file its qualifying petition no later than 12:00 Noon on the second Tuesday in July following the convention as prescribed in Code Section 21-2-172 in order to qualify its candidates to be listed on the general election ballot.”

SECTION 3.

Said title is further amended by striking in its entirety subsection (d) of Code Section 21-2-501, relating to the proportion of votes cast required for nomination or election to public office, which reads as follows:

“(d) Until and unless Article V. Section II, Paragraph VIII(b) of the Constitution is amended so as to provide for plurality election of the Secretary of State, Attorney General, State School Superintendent, Commissioner of Insurance, Commissioner of Agriculture, and Commissioner of Labor, such officers shall continue to be elected by majority vote as provided by the law in effect prior to July 1, 1994.”

SECTION 4.

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

SECTION 5.

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

On the adoption of the substitute, the President ordered a roll call, and the vote was as follows:

N Abernathy	N Griffin	N Price,R
N Balfour	N Guhl	Y Price,T
Y Blitch	N Harbison	N Ragan
N Boshears	N Henson	N Ralston
N Bowen	N Hill	N Ray
N Broun, 46th	N Hooks	N Roberts
N Brown, 26th	N Huggins	N Scott
Y Brush	N James	N Starr
Y Burton	N Johnson,D	N Stokes
N Cagle	Y Johnson,E	N Streat
N Cheeks	N Kemp	Y Tanksley
N Clay	N Lamutt	N Taylor
N Crotts	N Land	N Thomas,D
N Dean	Y Langford	N Thomas,N
N Egan	N Madden	N Thompson
N Fort	N Marable	EX Turner
N Gillis	N Middleton	N Tysinger
Y Glanton	N Oliver	N Walker
N Gochenour	N Perdue	

On the adoption of the substitute, the yeas were 8, nays 47, and the Langford substitute was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	N Blitch	Y Bowen
N Balfour	N Boshears	Y Broun, 46th

Y	Brown, 26th	Y	Hill	Y	Ragan
N	Brush	Y	Hooks	N	Ralston
N	Burton	Y	Huggins	N	Ray
N	Cagle	Y	James	N	Roberts
N	Cheeks	Y	Johnson,D	Y	Scott
N	Clay	N	Johnson,E	Y	Starr
N	Crotts	Y	Kemp	Y	Stokes
Y	Dean	N	Lamutt	Y	Streat
N	Egan	N	Land	N	Tanksley
Y	Fort	N	Langford	Y	Taylor
Y	Gillis	Y	Madden	N	Thomas,D
N	Glanton	Y	Marable	Y	Thomas,N
N	Gochenour	Y	Middleton	Y	Thompson
Y	Griffin	Y	Oliver	EX	Turner
N	Guhl	Y	Perdue	N	Tysinger
Y	Harbison	N	Price,R	Y	Walker
Y	Henson	N	Price,T		

On the passage of the bill, the yeas were 30, nays 25.

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

Senator Walker of the 22nd moved that HB 1529 be immediately transmitted to the House.

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

Y	Abernathy	Y	Griffin	N	Price,R
N	Balfour	N	Guhl	N	Price,T
Y	Blitch	Y	Harbison		Ragan
N	Boshears	Y	Henson	N	Ralston
Y	Bowen	Y	Hill	N	Ray
Y	Broun, 46th	Y	Hooks	N	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
N	Brush	Y	James	Y	Starr
N	Burton	Y	Johnson,D	Y	Stokes
N	Cagle	N	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	N	Tanksley
N	Clay	N	Lamutt	Y	Taylor
Y	Crotts	Y	Land	N	Thomas,D
Y	Dean	Y	Langford	Y	Thomas,N
N	Egan	Y	Madden	Y	Thompson
	Fort	Y	Marable	EX	Turner
Y	Gillis		Middleton	N	Tysinger
N	Glanton	Y	Oliver	Y	Walker
N	Gochenour	Y	Perdue		

On the motion, the yeas were 32, nays 20; the motion prevailed, and HB 1529 was immediately transmitted.

HB 1254. By Representatives Dobbs of the 92nd, Greene of the 158th, Barfoot of the 155th and others:

A bill to amend Code Section 42-5-50 of the Official Code of Georgia Annotated, relating to the transmittal of information on convicted persons, so as to

reduce the number of sentence packages required to be transmitted to the commissioner of corrections.

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 1425. By Representatives Kaye of the 37th, Powell of the 23rd, Joyce of the 1st and others:

A bill to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from certain statutes relating to the possession of firearms, so as to provide that peace officers certified by jurisdictions outside of the state shall be exempt from restrictions on possessing firearms.

Senate Sponsor: Senator Clay of the 37th.

The Senate Committee on Public Safety offered the following substitute to HB 1425:

A BILL

To be entitled an Act to amend Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from certain statutes relating to the possession of firearms, so as to provide that peace officers certified by jurisdictions outside of the state shall be exempt from restrictions on possessing firearms; to exempt full-time municipal and city court judges from said restrictions; to amend Code Section 16-11-107 of the Official Code of Georgia Annotated, providing criminal penalties for destroying or injuring police dogs or police horses, so as to change the provisions relating to definitions so as to include search and rescue dogs; to provide for a short title; to provide that district attorneys emeritus shall be exempt from restrictions on possessing firearms; to provide an exemption for members and retired members of the Georgia State Patrol and agents and

retired agents of the Georgia Bureau of Investigation; to provide an exemption for certain law enforcement chief executives, retired law enforcement chief executives, police officers, and retired police officers; to change certain provisions relating to carrying a pistol or revolver on or off duty; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 16-11-130 of the Official Code of Georgia Annotated, relating to exemptions from certain statutes relating to the possession of firearms, is amended by striking in its entirety paragraphs (1) and (12) of subsection (a) and inserting in lieu thereof the following:

“(1) Peace officers, as such term is defined in paragraph (11) of Code Section 16-1-3, and retired peace officers so long as they remain certified whether employed by the state or a political subdivision of the state or another state or a political subdivision of another state but only if such other state provides a similar privilege for the peace officers of this state;”

“(12) State and federal trial and appellate judges and full-time judges of municipal and city courts.”

SECTION 1.1.

This section and Section 1.2 of this Act shall be known and may be cited as the “Sadie Act.”

SECTION 1.2.

Code Section 16-11-107 of the Official Code of Georgia Annotated, providing criminal penalties for destroying or injuring police dogs or police horses, is amended by striking subsection (a) thereof and inserting in its place a new subsection to read as follows:

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

- (1) ‘Accelerant detection dog’ means a dog trained to detect hydrocarbon substances.
- (2) ‘Bomb detection dog’ means a dog trained to locate bombs or explosives by scent.
- (3) ‘Firearms detection dog’ means a dog trained to locate firearms by scent.
- (4) ‘Narcotic detection dog’ means a dog trained to locate narcotics by scent.
- (5) ‘Narcotics’ means any controlled substance as defined in paragraph (4) of Code Section 16-13-21 and shall include marijuana as defined by paragraph (16) of Code Section 16-13-21.
- (6) ‘Patrol dog’ means a dog trained to protect a peace officer and to apprehend or hold without excessive force a person in violation of the criminal statutes of this state.
- (7) ‘Police dog’ means a bomb detection dog, a firearms detection dog, a narcotic detection dog, a patrol dog, an accelerant detection dog, or a tracking dog used by a law enforcement agency. ‘Police dog’ also means a search and rescue dog.
- (8) ‘Police horse’ means a horse trained to transport, carry, or be ridden by a law enforcement officer and used by a law enforcement agency.
- (8.1) ‘Search and rescue dog’ means any dog that is owned or the services of which are employed by a fire department or the state fire marshal for the principal purpose of aiding in the detection of missing persons, including but not limited to per-

sons who are lost, who are trapped under debris as a result of a natural or man-made disaster, or who are drowning victims.

(9) "Tracking dog" means a dog trained to track and find a missing person, escaped inmate, or fleeing felon."

SECTION 2.

Said Code section is further amended by striking in its entirety paragraph (5) of subsection (a) and inserting in lieu thereof a new paragraph (5) to read as follows:

"(5) District attorneys, investigators employed by and assigned to a district attorney's office, and assistant district attorneys, and district attorneys emeritus,"

SECTION 3.

Said Code section is further amended by striking subsection (c) and inserting in its place a new subsection to read as follows:

"(c) Code Sections 16-11-126 through 16-11-128 shall not apply to or affect any:

(1) Sheriff ~~sheriff~~, retired sheriff, deputy sheriff, or retired deputy sheriff if such retired deputy sheriff is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47;

(2) Member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation or retired member of the Georgia State Patrol or agent of the Georgia Bureau of Investigation if such retired member or agent is receiving benefits under the Employees' Retirement System;

(3) Full-time law enforcement chief executive engaging in the management of a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that is registered or certified by the Peace Officer Standards and Training Council; or retired law enforcement chief executive that formerly managed a county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university law enforcement chief executive that was registered or certified at the time of his or her retirement by the Peace Officer Standards and Training Council, if such retired law enforcement chief executive is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system; or

(4) Police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that is registered or certified by the Peace Officer Standards and Training Council, or retired police officer of any county, municipal, state, state authority, or federal law enforcement agency in the State of Georgia, including any college or university police officer that was registered or certified at the time of his or her retirement by the Peace Officer Standards and Training Council, if such retired employee is receiving benefits under the Peace Officers' Annuity and Benefit Fund provided under Chapter 17 of Title 47 or is retired in good standing and receiving benefits from a county, municipal, State of Georgia, state authority, or federal retirement system.

In addition, any such sheriff, retired sheriff, deputy sheriff, or retired deputy sheriff, active or retired law enforcement chief executive, or other law enforcement officer referred to in this subsection shall be authorized to carry a pistol or revolver on or off

duty anywhere within the state and the provisions of Code Sections 16-11-126 through 16-11-128 shall not apply to the carrying of such firearms.”

SECTION 4.

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

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Starr
Y Burton	Y Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

Senator Ralston of the 51st moved that Senator Clay of the 37th be excused. On the motion, the yeas were 37, nays 0; the motion prevailed, and Senator Clay was excused.

The Calendar was resumed.

HR 1031. By Representatives Ray of the 128th and Walker of the 141st:

A resolution designating a portion of U.S. Highway 341 as the “George B. Culpepper Highway”: and for other purposes.

Senate Sponsor: Senator Hooks of the 14th.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Bowen	Y Burton
Y Balfour	Y Broun, 46th	Y Cagle
Y Blitch	Y Brown, 26th	Y Cheeks
Y Boshears	Y Brush	EX Clay

Y Crotts	Y Johnson,D	Y Ray
Y Dean	Y Johnson,E	Y Roberts
Y Egan	Y Kemp	Y Scott
Y Fort	Y Lamutt	Y Starr
Y Gillis	Y Land	Y Stokes
Y Glanton	Langford	Y Streat
Y Gochenour	Y Madden	Y Tanksley
Y Griffin	Y Marable	Y Taylor
Y Guhl	Y Middleton	Y Thomas,D
Y Harbison	Y Oliver	Y Thomas,N
Y Henson	Y Perdue	Y Thompson
Y Hill	Y Price,R	EX Turner
Y Hooks	Y Price,T	Y Tysinger
Y Huggins	Ragan	Walker
Y James	Y Ralston	

On the adoption of the resolution, the yeas were 51, nays 0.

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

HR 1067. By Representative Orrock of the 56th:

A resolution authorizing the lease of certain state owned real property located in Fulton County.

Senate Sponsor: Senator Oliver of the 42nd.

The Senate Committee on Finance and Public Utilities offered the following substitute to HR 1067:

A RESOLUTION

Authorizing the lease of certain state owned real property located in Fulton County, Georgia; to provide an effective date; to repeal conflicting laws; and for other purposes.

ARTICLE I

WHEREAS, the Georgia Department of Transportation is the owner of certain real property located in Fulton County, Georgia; and

WHEREAS, said real property is described as follows:

All that tract or parcel of land lying and being in Land Lot 15 of the 14th Land District of Fulton County, being more particularly described as follows:

BEGINNING at the intersection of the Freedom Parkway with the western side of Highland Avenue extending westerly approximately 500 feet to include the right of way area located within the existing interior curbed area formed by the westbound lane of the Freedom Parkway, eastbound lane of the Freedom parkway and the connector lane extending from the eastbound lane of the Freedom Parkway to the westbound lane of the Freedom Parkway;

and

WHEREAS, the Carter Center, Inc., is desirous of obtaining a lease of the real property in order to enhance the beauty of the grounds around the Carter Center and to maintain the real property as a roadside park; and

WHEREAS, the Georgia Department of Transportation is in favor of granting this lease and will receive benefit therefrom; and

WHEREAS, in the case styled DEPARTMENT OF TRANSPORTATION, STATE OF GEORGIA, Condemnor, vs. 7.802 ACRES OF LAND; Certain Easement Rights; and the CITY OF ATLANTA, GEORGIA, Condemnees, and DAVID VAUGHN, et al., Intervenors, being Civil Action File No. 88-6429-3, Superior Court of DeKalb County, Georgia, the parties thereto reached a Settlement Agreement which was made an order of the Superior Court of DeKalb County by order dated June 25, 1992 ("Order").

ARTICLE II

WHEREAS, the Georgia Department of Transportation is the owner of certain real property located in Fulton County, Georgia; and

WHEREAS, said property is described as follows:

All that right of way area located in Fulton County and the City of Atlanta owned by the Georgia Department of Transportation for State Route 10, known as the Freedom Parkway, being specifically that section of right of way located east of Boulevard, west of Elizabeth Street and north of Houston Street. LESS and EXCEPT all that right of way necessary for maintenance of the aforesaid roadway facility;

and

WHEREAS, the City of Atlanta is desirous of obtaining a lease of the real property in order to enhance the beauty of the city and to maintain the real property as a bike path, multiuse trail, and roadside park.

ARTICLE III

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

That the Georgia Department of Transportation is the owner of the real property described in Article I of this resolution and is hereby authorized to lease to the Carter Center, Inc., such described real property to enhance the beauty of the grounds around the Carter Center and to maintain the real property as a roadside park.

SECTION 2.

That the lease of such real property as provided for in Section 1 of this resolution shall be granted by appropriate instrument to the Carter Center, Inc., by the Georgia Department of Transportation, acting by and through its commissioner, for a consideration of the continuing performance by the Carter Center, Inc., of the necessary maintenance of such real property to ensure its use and enjoyment as a roadside park in implementation and compliance with the Order of the Superior Court of DeKalb County, for the consideration of the structures, improvements, and enhancements that may be placed upon such real property, and upon such further conditions and consideration as determined by the commissioner to be in the best interest of the State of Georgia.

SECTION 3.

That the lease of such real property as provided for in Section 1 of this resolution shall be for a period of 95 years.

SECTION 4.

That the Georgia Department of Transportation is the owner of the real property described in Article II of this resolution and is hereby authorized to lease to the City of Atlanta such described real property to enhance the beauty of the city and to maintain the real property as a bike path, multiuse trail, and roadside park.

SECTION 5.

That the ~~lease of such real property~~ as provided for in Section 4 of this resolution shall be granted by appropriate instrument to the City of Atlanta by the Georgia Department of Transportation, acting by and through its commissioner, for a consideration of the continuing performance by the city of the necessary maintenance of such real property to ensure its use and enjoyment as a bike path, multiuse trail, and roadside park and for the consideration of the structures, improvements, and enhancements that may be placed upon such real property and upon such further conditions and consideration as determined by the commissioner to be in the best interest of the State of Georgia.

SECTION 6.

That the City of Atlanta, acting by and through its council and mayor, shall execute on or before October 1, 1998, said lease agreement of the real property described in Section 4 of this resolution and an acknowledgment that the real property will remain with the city provided the property is maintained as a bike path, multiuse trail, and roadside park for the benefit of the citizens of the state. In the event the city does not execute said lease and provide said acknowledgement, the department may maintain, dispose, or otherwise manage said property as provided by law.

SECTION 7.

That the lease of such real property as provided for in Section 4 of this resolution shall be for a period of 99 years.

SECTION 8.

That this resolution shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 9.

That all laws and parts of laws in conflict with this resolution are repealed.

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Gillis	Langford
Y Balfour	Y Glanton	Y Madden
Y Blitch	Y Gochenour	Y Marable
Y Boshears	Y Griffin	Y Middleton
Y Bowen	Y Guhl	Y Oliver
Y Broun, 46th	Y Harbison	Y Perdue
Y Brown, 26th	Y Henson	Y Price,R
Y Brush	Hill	Y Price,T
Y Burton	Y Hooks	Y Ragan
Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
EX Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	Y Stokes
Y Fort	Y Land	Streat

Y Tanksley	Y Thomas,N	Y Tysinger
Y Taylor	Y Thompson	Y Walker
Y Thomas,D	EX Turner	

On the adoption of the resolution, the yeas were 50, nays 0.

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

HB 1323. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Article 2 of Chapter 12 of Title 17 of the Official Code of Georgia Annotated, relating to state funded local indigent defense programs, so as to provide for the utilization of private funds by the Georgia Indigent Defense Council.

Senate Sponsor: Senator Land of the 16th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	N James	Y Starr
Y Burton	Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 49, nays 1.

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

HB 1206. By Representative Campbell of the 42nd:

A bill to amend Code Section 36-32-9 of the Official Code of Georgia Annotated, relating to jurisdiction of municipal courts over shoplifting offenses involving \$100.00 or less, so as to authorize municipal courts to try and dispose of cases in which a person is charged with a third offense of shoplifting property valued at \$100.00 or less.

Senate Sponsor: Senator Egan of the 40th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp		Tanksley
EX Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	EX	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 49, nays 0.

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

HB 1324. By Representative Jamieson of the 22nd:

A bill to amend Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation or property, so as to provide that motor vehicles shall be divided into two distinct and separate subclasses of tangible property for purposes of ad valorem taxation with one subclass including heavy-duty equipment motor vehicles.

Senate Sponsor: Senator Thompson of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y	Fort	Y	Lamutt
Y Balfour	Y	Gillis	Y	Land
Y Blitch	Y	Glanton	Y	Langford
Y Boshears	Y	Gochenour	Y	Madden
Y Bowen	Y	Griffin	Y	Marable
Y Broun, 46th	Y	Guhl	Y	Middleton
Y Brown, 26th	Y	Harbison	Y	Oliver
Y Brush	Y	Henson	Y	Perdue
N Burton	Y	Hill	Y	Price,R
Y Cagle	Y	Hooks	Y	Price,T
Y Cheeks	Y	Huggins	Y	Ragan
EX Clay	Y	James	Y	Ralston
Y Crotts	Y	Johnson,D	Y	Ray
Y Dean	Y	Johnson,E	Y	Roberts
Y Egan	Y	Kemp	Y	Scott

Y	Starr		Taylor		EX	Turner
Y	Stokes	Y	Thomas,D		Y	Tysinger
Y	Streat	Y	Thomas,N		Y	Walker
Y	Tanksley	Y	Thompson			

On the passage of the bill, the yeas were 52, nays 1.

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

HB 1350. By Representatives Ray of the 128th, Royal of the 164th, Hudson of the 156th and others:

A bill to amend Code Section 48-5-41 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide for an exemption for fruit or nut trees grown in this state and remaining in the possession of a producer of fruit or nuts, trees grown in this state for sale as Christmas trees and remaining in the possession of the producer, etc..

Senate Sponsor: Senator Griffin of the 25th.

The Senate Committee on Finance and Public Utilities offered the following substitute to HB 1350:

A BILL

To be entitled an Act to amend Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, so as to provide for an exemption for certain livestock; crops; fruit or nut bearing trees, bushes, or plants; annual and perennial plants; Christmas trees; and plants and trees grown in nurseries for transplantation elsewhere which are grown in this state and remain in the hands of a family owned qualified farm products producer; to provide for conditions and limitations; to consolidate such provisions with certain provisions regarding farm and harvested agricultural products; to repeal certain provisions regarding production; to provide for applicability; to provide for effective dates; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Part 1 of Article 2 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to exemptions from ad valorem taxation, is amended by striking in its entirety paragraph (7) of Code Section 48-5-40, relating to definitions, which reads as follows:

“(7) ‘Production’ means:

(A) When applied to a laying hen, a period beginning at the time the laying hen comes into production at age six months rather than a period beginning when the laying hen is hatched; or

(B) When applied to a brood cow, a period of nine months from the time the brood cow is able to conceive at age 12 months rather than a period beginning when the brood cow is born.”

SECTION 2.

Said part is further amended by striking paragraph (10) of subsection (a) of Code Section 48-5-41, relating to exemptions from ad valorem taxation, and inserting in its place a new paragraph (10) to read as follows:

~~“(10) All farm products grown in this state and remaining in the hands of the producer during the one year beginning immediately after their production and harvested agricultural products which have a planting-to-harvest cycle of 12 months or less, which are customarily cured or aged for a period in excess of one year after harvesting and before manufacturing, and which are held in this state for manufacturing and processing purposes Reserved;”~~

SECTION 3.

Said part is further amended by adding a new Code section immediately following Code Section 48-5-41, to be designated Code Section 48-5-41.1, to read as follows:

“48-5-41.1.

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

(1) ‘Family owned farm entity’ means a family corporation, a family partnership, a family general partnership, a family limited partnership, a family limited corporation, or a family limited liability company all of the interest of which is owned by one or more natural or naturalized citizens related to each other within the fourth degree of civil reckoning. It shall include an estate of which the devisees or heirs are one or more natural or naturalized citizens related to each other within the fourth degree of civil reckoning. It shall include a trust of which the beneficiaries are one or more natural or naturalized citizens related to each other within the fourth degree of civil reckoning. Such family owned farm entity must have derived 80 percent or more of its gross income from bona fide agricultural uses within this state within the year immediately preceding the year in which the exemption provided by this Code section is sought.

(2) ‘Family owned qualified farm products producer’ means an individual or family owned farm entity primarily engaged in the direct cultivation of the soil, including soil removed from the land and placed in pots or containers, or operation of land for the production of qualified farm products. A family owned qualified farm products producer shall not include wholesalers, distributors, storage facility owners, manufacturers, processors, or other similar entities that primarily prepare qualified farm products for any intermediate or final market or that primarily operate to move or facilitate the movement of qualified farm products from a producer to any intermediate or final markets.

(3) ‘Farm products’ means only those farm products eligible to qualify for exemption from ad valorem taxation pursuant to the former provisions of paragraph (10) of Code Section 48-5-41 as it existed prior to January 1, 1999.

(4) ‘Harvested agricultural products’ means only those harvested agricultural products eligible to qualify for exemption from ad valorem taxation pursuant to the former provisions of paragraph (10) of Code Section 48-5-41 as it existed prior to January 1, 1999.

(5) ‘Initial production’ means:

(A) When applied to a laying hen, a period beginning at the time the laying hen comes into production at age six months rather than a period beginning when the laying hen is hatched; or

(B) When applied to a brood cow, a period of nine months from the time the brood cow is able to conceive at age 12 months rather than a period beginning when the brood cow is born.

(6) ‘Producer’ means any entity that produces farm products.

(7) 'Qualified farm products' means livestock; crops; fruit or nut bearing trees, bushes, or plants; annual and perennial plants; Christmas trees; and plants and trees grown in nurseries for transplantation elsewhere. Qualified farm products shall not include standing timber.

(b) The following property shall be exempt from all ad valorem property taxes in this state:

(1) All farm products grown in this state and remaining in the hands of the producer during the one year beginning immediately after their initial production;

(2) Harvested agricultural products which have a planting-to-harvest cycle of 12 months or less, which are customarily cured or aged for a period in excess of one year after harvesting and before manufacturing, and which are held in this state for manufacturing and processing purposes; and

(3) All qualified farm products grown in this state:

(A) Remaining in the hands of a family owned qualified farm products producer;

(B) Still in their natural and unprocessed condition, unless processed solely for further use in the production of other qualified farm products; and

(C) Not held for direct retail sale by someone other than the original family owned qualified farm products producer."

SECTION 4.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the Secretary of State shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the State of Georgia for approval or rejection. The Secretary of State shall conduct that election on the date of the November, 1998, general election. The Secretary of State shall issue the call and conduct that election as provided by general law. The Secretary of State shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of each county in the state. The ballot shall have written or printed thereon the words:

- "() YES Shall the Act be approved which exempts from ad valorem taxation livestock; crops; fruit or nut bearing trees, bushes, or plants; annual and perennial plants; Christmas trees; and plants and trees grown in nurseries for transplantation elsewhere so long as such items are grown in this state and remain in the hands of a family owned qualified farm products producer thereof?"
- () NO

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, Sections 1, 2, and 3 of this Act shall become of full force and effect on January 1, 1999, and shall apply to all taxable years beginning on or after such date. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1, 2, and 3 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

SECTION 5.

Except as provided in Section 4 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 6.

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

On the adoption of the substitute, the yeas were 32, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

Senator Johnson of the 2nd asked unanimous consent that HB 1086 be dropped to the foot of the Calendar. The consent was granted.

HB 1467. By Representatives Royal of the 164th, Buck of the 135th, Skipper of the 137th and Polak of the 67th:

A bill to amend Code Section 48-8-111 of the Official Code of Georgia Annotated, relating to procedures for the imposition of the special county 1 percent sales and use tax, so as to change the provisions relating to the purposes for which the proceeds of the tax are to be used and may be expended.

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Broun, 46th	Y Cheeks
Y Balfour	Y Brown, 26th	EX Clay
Y Blitch	Y Brush	Y Crotts
Y Boshears	Y Burton	Y Dean
Y Bowen	Y Cagle	Y Egan

Y Fort	Y Kemp	Y Roberts
Y Gillis	Y Lamutt	Y Scott
Y Glanton	Y Land	Y Starr
Y Gochenour	Y Langford	Y Stokes
Y Griffin	Y Madden	Y Streat
Y Guhl	Y Marable	Y Tanksley
Y Harbison	Y Middleton	Taylor
Y Henson	Y Oliver	Y Thomas,D
Y Hill	Y Perdue	Y Thomas,N
Y Hooks	Y Price,R	Y Thompson
Y Huggins	Y Price,T	EX Turner
Y James	Y Ragan	Y Tysinger
Y Johnson,D	Y Ralston	Y Walker
Y Johnson,E	Y Ray	

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1094. By Representatives Baker of the 70th, Ashe of the 46th and Teper of the 61st:

A bill to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," so as to change the provisions relating to acquisitions, dispositions, and awarding of contracts.

Senate Sponsor: Senator Tysinger of the 41st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 1242. By Representatives Reaves of the 178th, Floyd of the 138th and Purcell of the 147th:

A bill to amend Article 5 of Chapter 7 of Title 2 of the Official Code of Georgia Annotated, known as the "Georgia Boll Weevil Eradication Act of 1985," so as to authorize the establishment and collection of an assessment per bale of cotton in lieu of the assessment per acre of cotton.

Senate Sponsor: Senator Ragan of the 11th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Price,R
Y Balfour	Y Guhl	Y Price,T
Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 1444. By Representative DeLoach of the 172nd:

A bill to amend Part 2 of Article 4 of Chapter 4 of Title 27 of the Official Code of Georgia Annotated, relating to crabs, so as to provide for requirements for obtaining a commercial crabbing license.

Senate Sponsor: Senator Kemp of the 3rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Cheeks	Y Griffin
Y Balfour	EX Clay	Y Guhl
Y Blitch	Y Crotts	Y Harbison
Y Boshears	Y Dean	Y Henson
Y Bowen	Y Egan	Y Hill
Y Broun, 46th	Y Fort	Y Hooks
Y Brown, 26th	Y Gillis	Y Huggins
Y Brush	Y Glanton	Y James
Y Burton	Y Gochenour	Y Johnson,D
Y Cagle		Y Johnson,E

Y Kemp	Y Price,R	Y Streat
Y Lamutt	Y Price,T	Y Tanksley
Y Land	Y Ragan	Y Taylor
Y Langford	Y Ralston	Y Thomas,D
Y Madden	Y Ray	Y Thomas,N
Y Marable	Y Roberts	Y Thompson
Y Middleton	Y Scott	EX Turner
Y Oliver	Y Starr	Y Tysinger
Y Perdue	Y Stokes	Y Walker

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1513. By Representatives Sherrill of the 62nd, Buck of the 135th, Jamieson of the 22nd and others:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to the imposition, rate, and computation of income tax, so as to provide for a tax credit for certain amounts expended for qualified caregiving expenses.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	EX Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 48, nays 0.

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

Senator Walker of the 22nd moved that the Senate adjourn until 10:00 A.M. tomorrow; the motion prevailed, and at 12:36 P.M., the President announced the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Tuesday, March 10, 1998
Thirty-fifth Legislative Day

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The Senate met pursuant to adjournment at 10:00 A.M. today and was called to order by Senator Perdue of the 18th, President Pro Tempore.

Senator Huggins of the 53rd reported that the Journal of yesterday's proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1836. By Representative Perry of the 11th:

A bill to provide a \$40,000.00 homestead exemption from certain ad valorem taxes levied by, for, or on behalf of the Chattooga County School District for residents of that district who are 70 years of age or older and whose gross income does not exceed \$20,000.00.

HB 1837. By Representatives Teper of the 61st, Ragas of the 64th, Davis of the 60th and others:

A bill to specifically repeal the "DeKalb Memorial Stadium Authority Act"

HB 1839. By Representatives Shipp of the 38th, Wiles of the 34th, Parsons of the 40th and others:

A bill to amend an Act creating a new charter for the City of Kennesaw, so as to change the provisions relating to the corporate limits of said city.

HB 1841. By Representatives Rogers of the 20th, Tolbert of the 25th and Smith of the 19th:

A bill to amend an Act providing for a supplement to the salary of the district attorney of the Northeastern Judicial Circuit, so as to increase the supplement to the district attorney's salary.

HB 1842. By Representative Hudgens of the 24th:

A bill to amend an Act creating a board of commissioners of Madison County, so as to authorize the board of commissioners to provide a supplement to the compensation of the sheriff, clerk of the superior court, tax commissioner, and judge of the probate court.

HB 1843. By Representatives Holland of the 157th and Hanner of the 159th:

A bill to provide for the nomination and election of the chief magistrate of the Magistrate's Court of Lee County in nonpartisan primaries and elections.

HB 1844. By Representatives Holland of the 157th and Hanner of the 159th:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Lee County.

- HB 1845. By Representatives Holland of the 157th and Hanner of the 159th:
A bill to authorize the Magistrate Court of Lee County to charge a law library fee, so as to provide that funds shall be used for the maintenance of the Lee County law library.
- HB 1846. By Representative James of the 140th:
A bill to amend an Act creating a board of commissioners for Macon County, so as to provide for education districts.
- HB 1847. By Representatives Holland of the 157th and Hanner of the 159th:
A bill to amend an Act entitled "An Act to create the Lee County Utilities Authority," so as to change the compensation of the members of such authority.
- HB 1849. By Representative Randall of the 127th:
A bill to repeal a local amendment to the Georgia Constitution which created a joint Board of Health for the City of Macon and Bibb County; to provide that the effectiveness of such repeal shall be contingent upon a referendum as required by law.
- HB 1850. By Representative Murphy of the 18th:
A bill to change provisions relating to the membership of the Hospital Authority of the City of Bremen and County of Haralson.
- HB 1851. By Representative Murphy of the 18th:
A bill to amend an Act incorporating the Town of Waco, so as to change the corporate limits of the Town of Waco by annexing certain territory to the town.
- HB 1852. By Representative Birdsong of the 123rd:
A bill to amend an Act providing an annual salary for the clerk of the Superior Court of Twiggs County, so as to change the provisions relative to the compensation, expenses, and benefits of the clerk and employees of the office of the clerk of the superior court.
- HB 1853. By Representative Birdsong of the 123rd:
A bill to provide for the compensation, expenses, and benefits of the coroner of Twiggs County.
- HB 1854. By Representative Birdsong of the 123rd:
A bill to provide for the compensation, expenses, and benefits of the chief magistrate of the Magistrate Court of Twiggs County.
- HB 1855. By Representative Birdsong of the 123rd:
A bill to amend an Act creating a Board of Commissioners of Twiggs County, so as to change the provisions relating to the compensation and expenses of the members of the board.
- HB 1856. By Representative Birdsong of the 123rd:
A bill to amend an Act providing an annual salary for the Sheriff of Twiggs County in lieu of the fee system of compensation, so as to change the provisions relative to the compensation, expenses, and benefits of the sheriff and employees of the office of sheriff.

HB 1857. By Representative Birdsong of the 123rd:

~~A bill to amend an Act~~ A bill to amend an Act providing an annual salary for the Tax Commissioner of Twiggs County, so as to change the provisions relative to the compensation, expenses, and benefits of the tax commissioner and employees of the office of tax commissioner.

HB 1858. By Representative Birdsong of the 123rd:

A bill to amend an Act providing an annual salary for the judge of the Probate Court of Twiggs County, so as to change the provisions relative to the compensation, expenses, and benefits of the judge of the probate court and employees of the office of the judge of the probate court.

HB 1859. By Representative Holland of the 157th:

A bill to provide a new charter for the City of Poulan.

HB 1860. By Representative Jenkins of the 110th:

A bill to amend an Act reconstituting the Board of Education of Jasper County, so as to provide for education districts which conform to commissioner districts.

HB 1861. By Representative Jenkins of the 110th:

A bill to amend an Act entitled "An Act to abolish the present mode of compensating the coroner of Monroe County," so as to change the compensation of the coroner.

HB 1862. By Representative Jenkins of the 110th:

A bill to provide a supplement to each of the homestead exemptions granted by general law from certain ad valorem taxes in the amount of \$6,000.00 of the assessed value of the homestead for Jasper County residents.

SB 20. By Senators Thomas of the 10th, Price of the 56th, Thomas of the 54th and others:

A bill to amend Code Section 16-13-72 of the Official Code of Georgia Annotated, prohibiting the sale and possession of dangerous drugs, so as to provide for an additional exception to such prohibition.

SB 533. By Senators Perdue of the 18th, Walker of the 22nd and Middleton of the 50th:

A bill to amend Title 49 of the Official Code of Georgia Annotated, relating to social services, so as to redesignate the Joint Board of Family Practice as the Georgia Board for Physician Workforce; to provide for board composition, qualifications, terms, vacancies, organization, expense and allowance, staff, and advisory committees; to provide for the purposes, responsibilities, duties, and powers of the board.

The House has adopted by the requisite constitutional majority the following resolution of the Senate:

SR 588. By Senator Griffin of the 25th:

A resolution designating the Bobby Eugene Parham Food Service Facility at Central State Hospital.

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

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SB 409. By Senators Walker of the 22nd, Dean of the 31st, Scott of the 36th and others:

A bill to amend Chapter 15 of Title 17 of the Official Code of Georgia Annotated, relating to compensation of crime victims, and Article 2 of Chapter 8 of Title 42 of the Official Code of Georgia Annotated, relating to the statewide probation system, so as to require a portion of probation supervision fees to be forwarded to the Georgia Crime Victims Emergency Fund; to provide an effective date.

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

SB 111. By Senators Thompson of the 33rd and Clay of the 37th:

A bill to amend Code Section 3-4-23 of the Official Code of Georgia Annotated, relating to the certificate of residence required for a retail distilled spirits dealer's license or tax stamps, so as to provide that an applicant for a retail dealer's license or tax stamps for distilled spirits for a location within a municipality where distilled spirits may legally be sold may reside anywhere within the county in which the municipality is located.

SB 566. By Senators Hill of the 4th, Thomas of the 54th, Madden of the 47th and others:

A bill to amend Code Section 31-11-53.1 of the Official Code of Georgia Annotated, relating to the automatic defibrillator program, so as to provide for easier public access to automated external defibrillators; to provide an effective date.

The House has agreed to the Senate substitutes to the following bills of the House:

HB 1772. By Representative Lord of the 121st:

A bill to amend an Act fixing the compensation for the members of the board of commissioners of Jefferson County and the clerk of such board, so as to change certain provisions relating to the compensation rates for members of the board.

HB 1290. By Representatives Hecht of the 97th, Martin of the 47th, Campbell of the 42nd and others:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile proceedings, so as to provide for payment of actual expenses of judges or associate judges attending training seminars.

HB 88. By Representatives Buck of the 135th, Barnes of the 33rd, Lee of the 94th and others:

A bill to amend Code Section 47-9-70 of the Official Code of Georgia Annotated, relating to retirement and eligibility for benefits under the Superior Court Judges Retirement System and related matters, so as to provide that members of such retirement system who were retired on July 1, 1996, with more than 16 years of creditable service shall receive a benefit increase for each year of service over 16 years.

HB 1516. By Representatives Birdsong of the 123rd, Smith of the 175th, DeLoach of the 172nd and others:

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A bill to amend Code Section 20-3-374 of the Official Code of Georgia Annotated, relating to the service cancelable loan fund and authorized types of service cancelable educational loans, so as to change the provisions relating to service cancelable educational loans for eligible members of the Georgia National Guard.

The House has agreed to the Senate amendments to the following bills of the House:

HB 1391. By Representatives Crews of the 78th and Randall of the 127th:

A bill to enact the "Georgia Street Gangs Act of 1998"; to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the provisions relating to designated felonies in juvenile court; to provide procedures under which additional assistant district attorneys may be authorized; to amend Title 16 of the Official Code of Georgia Annotated, relating to crimes and offenses.

HB 1209. By Representatives Purcell of the 147th, Reaves of the 178th and Floyd of the 138th:

A bill to amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, known as the "Georgia Food Act," so as to change the provisions relating to the detention or embargo of adulterated or misbranded food.

HB 1087 By Representative Carter of the 166th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to provide that certain rules and regulations shall be used to establish certain criminal violations; to provide that the Board of Natural Resources is authorized to designate certain waters as trout waters and to establish seasons and methods of fishing; to repeal Code Section 27-4-52, relating to trout waters without seasons.

The House has disagreed to the Senate substitutes to the following bills of the House:

HB 1315. By Representatives Purcell of the 147th, DeLoach of the 172nd, Lane of the 146th and others:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to define certain terms; to provide for resident and non-resident commercial food shrimp cast netting licenses; to provide for the reporting of certain information relating to commercial fishing.

HB 1337. By Representative Stancil of the 91st:

A bill to amend Code Section 8-2-26 of the Official Code of Georgia Annotated, relating to the enforcement of state minimum standard building codes, so as to change the provisions relating to the requirement that certain information be printed on county and municipal building permits.

HB 1268. By Representatives Holmes of the 53rd, Hecht of the 97th, Hudson of the 120th and others:

A bill to amend Title 21 of the Official Code of Georgia Annotated, relating to elections, so as to provide for certain new definitions in the general and mu-

municipal elections codes; to enact a new Part 5 of Article 11 of Chapter 2 of said title regulating the use of optical scanning voting equipment.

The House insists on its position in substituting the following bill of the Senate:

SB 369. By Senator Ralston of the 51st:

A bill to amend Title 15 of the Official Code of Georgia Annotated, relating to courts, so as to change the provisions relating to senior judges and Senior Appellate Court Justices and Judges serving as judges of the appellate courts; to change the provisions relating to compensation, travel, per diem, and pay allowances.

The following resolution was introduced, read the first time and referred to committee:

SR 735. By Senator Clay of the 37th:

A resolution urging the State Board of Education to require the study and understanding of the significance of the Declaration of Independence, the United States Constitution, and the Federalist Papers.

Referred to Committee on Rules.

The following bills were read the first time and referred to committee:

HB 1836. By Representative Perry of the 11th:

A bill to provide a \$40,000.00 homestead exemption from certain ad valorem taxes levied by, for, or on behalf of the Chattooga County School District for residents of that district who are 70 years of age or older and whose gross income does not exceed \$20,000.00.

Referred to Committee on State and Local Governmental Operations.

HB 1837. By Representatives Teper of the 61st, Ragas of the 64th, Davis of the 60th and others:

A bill to specifically repeal the "DeKalb Memorial Stadium Authority Act"

Referred to Committee on State and Local Governmental Operations.

HB 1839. By Representatives Shipp of the 38th, Wiles of the 34th, Parsons of the 40th and others:

A bill to amend an Act creating a new charter for the City of Kennesaw, so as to change the provisions relating to the corporate limits of said city.

Referred to Committee on State and Local Governmental Operations.

HB 1841. By Representatives Rogers of the 20th, Tolbert of the 25th and Smith of the 19th:

A bill to amend an Act providing for a supplement to the salary of the district attorney of the Northeastern Judicial Circuit, so as to increase the supplement to the district attorney's salary.

Referred to Committee on State and Local Governmental Operations.

HB 1842. By Representative Hudgens of the 24th:

A bill to amend an Act creating a board of commissioners of Madison County, so as to authorize the board of commissioners to provide a supplement to the

compensation of the sheriff, clerk of the superior court, tax commissioner, and judge of the probate court.

Referred to Committee on State and Local Governmental Operations.

HB 1843. By Representatives Holland of the 157th and Hanner of the 159th:

A bill to provide for the nomination and election of the chief magistrate of the Magistrate's Court of Lee County in nonpartisan primaries and elections.

Referred to Committee on State and Local Governmental Operations.

HB 1844. By Representatives Holland of the 157th and Hanner of the 159th:

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Lee County.

Referred to Committee on State and Local Governmental Operations.

HB 1845. By Representatives Holland of the 157th and Hanner of the 159th:

A bill to authorize the Magistrate Court of Lee County to charge a law library fee, so as to provide that funds shall be used for the maintenance of the Lee County law library.

Referred to Committee on State and Local Governmental Operations.

HB 1846. By Representative James of the 140th:

A bill to amend an Act creating a board of commissioners for Macon County, so as to provide for education districts.

Referred to Committee on State and Local Governmental Operations.

HB 1847. By Representatives Holland of the 157th and Hanner of the 159th:

A bill to amend an Act entitled "An Act to create the Lee County Utilities Authority," so as to change the compensation of the members of such authority.

Referred to Committee on State and Local Governmental Operations.

HB 1849. By Representative Randall of the 127th:

A bill to repeal a local amendment to the Georgia Constitution which created a joint Board of Health for the City of Macon and Bibb County; to provide that the effectiveness of such repeal shall be contingent upon a referendum as required by law.

Referred to Committee on State and Local Governmental Operations.

HB 1850. By Representative Murphy of the 18th:

A bill to change provisions relating to the membership of the Hospital Authority of the City of Bremen and County of Haralson.

Referred to Committee on State and Local Governmental Operations.

HB 1851. By Representative Murphy of the 18th:

A bill to amend an Act incorporating the Town of Waco, so as to change the corporate limits of the Town of Waco by annexing certain territory to the town.

Referred to Committee on State and Local Governmental Operations.

HB 1852. By Representative Birdsong of the 123rd:

A bill to amend an Act providing an annual salary for the clerk of the Superior Court of Twiggs County, so as to change the provisions relative to the compensation, expenses, and benefits of the clerk and employees of the office of the clerk of the superior court.

Referred to Committee on State and Local Governmental Operations.

HB 1853. By Representative Birdsong of the 123rd:

A bill to provide for the compensation, expenses, and benefits of the coroner of Twiggs County.

Referred to Committee on State and Local Governmental Operations.

HB 1854. By Representative Birdsong of the 123rd:

A bill to provide for the compensation, expenses, and benefits of the chief magistrate of the Magistrate Court of Twiggs County.

Referred to Committee on State and Local Governmental Operations.

HB 1855. By Representative Birdsong of the 123rd:

A bill to amend an Act creating a Board of Commissioners of Twiggs County, so as to change the provisions relating to the compensation and expenses of the members of the board.

Referred to Committee on State and Local Governmental Operations.

HB 1856. By Representative Birdsong of the 123rd:

A bill to amend an Act providing an annual salary for the Sheriff of Twiggs County in lieu of the fee system of compensation, so as to change the provisions relative to the compensation, expenses, and benefits of the sheriff and employees of the office of sheriff.

Referred to Committee on State and Local Governmental Operations.

HB 1857 By Representative Birdsong of the 123rd:

A bill to amend an Act providing an annual salary for the Tax Commissioner of Twiggs County, so as to change the provisions relative to the compensation, expenses, and benefits of the tax commissioner and employees of the office of tax commissioner.

Referred to Committee on State and Local Governmental Operations.

HB 1858. By Representative Birdsong of the 123rd:

A bill to amend an Act providing an annual salary for the judge of the Probate Court of Twiggs County, so as to change the provisions relative to the compensation, expenses, and benefits of the judge of the probate court and employees of the office of the judge of the probate court.

Referred to Committee on State and Local Governmental Operations.

HB 1859. By Representative Holland of the 157th:

A bill to provide a new charter for the City of Poulan.

Referred to Committee on State and Local Governmental Operations.

HB 1860. By Representative Jenkins of the 110th:

A bill to amend an Act reconstituting the Board of Education of Jasper County, so as to provide for education districts which conform to commissioner districts.

Referred to Committee on State and Local Governmental Operations.

HB 1861. By Representative Jenkins of the 110th:

A bill to amend an Act entitled "An Act to abolish the present mode of compensating the coroner of Monroe County," so as to change the compensation of the coroner.

Referred to Committee on State and Local Governmental Operations.

HB 1862. By Representative Jenkins of the 110th:

A bill to provide a supplement to each of the homestead exemptions granted by general law from certain ad valorem taxes in the amount of \$6,000.00 of the assessed value of the homestead for Jasper County residents.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Consumer Affairs has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 396. Do pass.

HB 1687. Do pass.

Respectfully submitted,

Senator Henson of the 55th District, Chairman

Mr. President:

The Committee on Defense and Veterans Affairs has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 946. Do pass.

Respectfully submitted,

Senator Harbison of the 15th District, Chairman

Mr. President:

The Committee on Economic Development, Tourism and Cultural Affairs has had under consideration the following bill and resolution of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1126. Do pass by substitute.

HR 1002. Do pass by substitute.

Respectfully submitted,

Senator Broun of the 46th District, Chairman

Mr. President:

The Committee on Education has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 678. Do pass.

HB 1550. Do pass by substitute.

Respectfully submitted,

Senator Marable of the 52nd District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1392. Do pass.

HB 1274. Do pass by substitute.

HB 1578. Do pass.

HB 1499. Do pass as amended.

HB 1696. Do pass by substitute.

HB 1642. Do pass by substitute.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Natural Resources has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1432. Do pass.

HB 1707. Do pass.

HB 1640. Do pass by substitute.

Respectfully submitted,

Senator Gillis of the 20th District, Chairman

Mr. President:

The Committee on Rules has had under consideration the following resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 273. Do pass as amended.

SR 633. Do pass.

SR 274. Do pass as amended.

HR 998. Do pass.

SR 596. Do pass as amended.

HR 1000. Do pass.

SR 632. Do pass.

HR 1066. Do pass.

Respectfully submitted,

Senator Scott of the 36th District, Chairman

Mr. President:

The Committee on Special Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1441. Do pass by substitute.

HB 1674. Do pass.

Respectfully submitted,

Senator Egan of the 40th District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills and resolution of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SB 709. Do pass.	HB 1832. Do pass.
HB 1794. Do pass.	HB 32. Do pass by substitute.
HB 1807. Do pass.	HB 1202. Do pass by substitute.
HB 1811. Do pass by substitute.	HB 1364. Do pass by substitute.
HB 1815. Do pass.	HB 1540. Do pass by substitute.
HB 1817. Do pass.	HB 458. Do pass.
HB 1818. Do pass.	HR 1155. Do pass.
HB 1820. Do pass.	HB 1373. Do pass.
HB 1822. Do pass by substitute.	HB 1452. Do pass.
HB 1824. Do pass.	HB 1485. Do pass by substitute.
HB 1829. Do pass.	HB 1511. Do pass by substitute.
HB 1830. Do pass.	HB 1792. Do pass.
HB 1831. Do pass.	

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

The following bill was read the second time:

HB 441

Senator Cagle of the 49th moved that Senator Clay of the 37th be excused. On the motion, the yeas were 30, nays 0; the motion prevailed, and Senator Clay was excused.

Senator Perdue of the 18th, President Pro Tempore, called for the morning roll call, and the following Senators answered to their names:

Balfour	Griffin	Price,R
Blicht	Harbison	Price,T
Boshears	Henson	Ragan
Bowen	Hill	Ralston
Broun, 46th	Hooks	Ray
Brown, 26th	Huggins	Roberts
Brush	James	Scott
Burton	Johnson,E	Starr
Cagle	Kemp	Stokes
Cheeks	Lamutt	Streat
Crotts	Land	Tanksley
Dean	Langford	Taylor
Egan	Madden	Thomas,D
Fort	Marable	Thompson
Gillis	Middleton	Turner
Gochenour	Oliver	Tysinger

Those not answering were:

Abernathy	Guhl	Thomas,N
Clay (excused)	Johnson,D	Walker
Glanton	Perdue(PRS)	

The following correspondence was received by the Secretary:

March 10, 1998

TO: Honorable Frank Eldridge
Secretary of the Senate
FROM: Senator Diana Harvey Johnson

Please note that I was present on March 10, 1998 as my votes on the various bills will attest. However, at roll call I was in my office conducting constituent business.

Thank you for including this note in the JOURNAL, and for your continued support and cooperation.

Sincerely,

/s/Diana Harvey Johnson
State Senate
District 2

Senator Perdue of the 18th, President Pro Tempore, led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Henson of the 55th introduced the chaplain of the day, Reverend Felix Snipes of Atlanta, Georgia, who offered scripture reading and prayer.

Senator Roberts of the 30th introduced Georgia's Teacher of the Year, Mrs. Jamie Price Lipscomb, commended by SR 697, adopted previously, who addressed the Senate briefly.

Senator Stokes of the 43rd introduced the doctor of the day, Dr. Bill Craven of Decatur, Georgia.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

SB 158. By Senators Brown of the 26th, Oliver of the 42nd, Thomas of the 10th and others:

A bill to amend Chapter 6 of Title 16 of the Official Code of Georgia Annotated, relating to sexual offenses, so as to provide that certain motor vehicles shall be contraband and shall be forfeited; to provide for seizure and condemnation of such motor vehicles; to provide for practices, procedures, and requirements relative to the seizure, forfeiture, and disposal of such motor vehicles; to provide for exceptions.

The following resolutions were read and adopted:

SR 734. By Senator Dean of the 31st:

A resolution commending C. D. Rampley.

SR 736. By Senators Gillis of the 20th, Hooks of the 14th, Starr of the 44th and others:

A resolution commending Robert Lee Izlar.

SR 737. By Senators Boshears of the 6th and Price of the 56th:

A resolution honoring George E. Jones and Rachel Conner Jones on the occasion of their fiftieth wedding anniversary.

SR 739. By Senators Burton of the 5th and Balfour of the 9th:

A resolution commending the Cheerleaders for the Parkview High School Panthers.

SR 740. By Senators Dean of the 31st and Marable of the 52nd:

A resolution honoring Mr. Matthew Hill.

The President assumed the Chair.

The President and Senator Thompson of the 33rd introduced members of the Georgia Basketball Lettermen's Association, commended by SR 645, adopted previously.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Tuesday, March 10, 1998

THIRTY-FIFTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

SB 709 Crotts, 17th
HENRY COUNTY

A bill to create the State Court of Henry County; to specify the location of the court and provide for facilities therefor; to provide for jurisdiction, powers, practice, and procedure; to provide for terms of court; to specify business hours of the court; to specify costs and fees; to provide for transfer of certain matters from the Superior Court of Henry County.

HB 1794 Madden, 47th
MADISON COUNTY

A bill to provide for up to two advisory referendum elections to be held in Madison County for the purpose of determining the type of county government desired by the people of Madison County.

HB 1807 Huggins, 53rd
Thomas, 54th
CITY OF DALTON

A bill to provide a homestead exemption from City of Dalton ad valorem taxes for city purposes and a homestead exemption from City of Dalton Independent School District ad valorem taxes for educational purpose in the amount of \$75,000.00 of the assessed value of the homestead for each resident of the City of Dalton who is 65 years of age or over and whose annual net income does not exceed \$20,000.00.

HB 1811 Johnson, 1st
Johnson, 2nd
CHATHAM COUNTY-SAVANNAH

A bill to amend an Act creating the Chatham-Savannah Authority for the Homeless, so as to change the provisions relating to the membership, terms, appointment, and purposes of the authority. (SUBSTITUTE)

HB 1815 Gillis, 20th
EMANUEL COUNTY

A bill to create the Emanuel County Jail Authority and to authorize such authority to acquire, construct, equip, maintain, and operate jails and other public facilities.

HB 1817 Madden, 47th
HART COUNTY

A bill to amend an Act creating the Hart County Industrial Development Authority, so as to eliminate a provision expressing the intention of the General Assembly.

HB 1818 Hill, 4th
BULLOCH COUNTY

A bill to amend an Act entitled "An Act creating the State Court of Bulloch County," so as to provide that the solicitor-general of the state court shall be full time and may not engage in the private practice of law.

HB 1820 Griffin, 25th
HANCOCK COUNTY

A bill to amend an Act creating a Board of Commissioners of Hancock County, so as to change the provisions relating to the compensation and expense allowance of the chairperson and other members of the board of commissioners.

HB 1822 Langford, 29th
TROUP COUNTY

A bill to amend an Act entitled "An Act creating a Board of Commissioners for Troup County," so as to change the compensation of the members and the chairperson of said board.(SUBSTITUTE)

HB 1824 Blitch, 7th
TOWN OF SPARKS

A bill to amend an Act establishing a new charter for the Town of Sparks, so as to change the provisions relating to the time of election, taking of office, and terms of office of the mayor and councilmen.

HB 1829 Guhl, 45th
Ray, 48th
CITY OF AUBURN

A bill to provide for an advisory referendum election to be held in the City of Auburn for the purpose of ascertaining whether the charter of the City of Auburn should be dissolved.

HB 1830 Ralston, 51st
FANNIN COUNTY

A bill to provide a homestead exemption from Fannin County School District ad valorem taxes for educational purposes in the amount of \$30,000.00 of the assessed value of the homestead for certain residents of that school district who have annual incomes not exceeding \$20,000.00 and who are 62 years of age or over.

HB 1831 Langford, 29th
PIKE COUNTY

A bill to amend an Act creating the Board of Commissioners of Pike County, so as to provide for a county manager.

HB 1832 Langford, 29th
PIKE COUNTY

A bill to provide for the nonpartisan nomination and election of the judge of the Probate Court of Pike County.

The substitute to the following bill was put upon its adoption:

* HB 1811:

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 1811:

A BILL

To be entitled an Act to amend an Act creating the Chatham-Savannah Authority for the Homeless, approved March 30, 1989 (Ga. L. 1989, p. 4701), so as to change the provisions relating to the membership, terms, appointment, and purposes of the authority; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act creating the Chatham-Savannah Authority for the Homeless, approved March 30, 1989 (Ga. L. 1989, p. 4701), is amended by striking Section 5 of said Act and inserting in lieu thereof the following:

“SECTION 5. Membership.

(a) The authority shall be composed of 19 members as follows:

- (1) Four members appointed by the Board of Commissioners of Chatham County;
- (2) Four members appointed by the Mayor and Board of Aldermen of the City of Savannah;
- (3) One member appointed by the Housing Authority of the City of Savannah;
- (4) One member appointed by the Board of Public Education for the City of Savannah and the County of Chatham;
- (5) One member appointed by the Commissioner of Human Resources;

- (6) One member appointed by the Commissioner of Labor;
- (7) ~~One member appointed~~ by the Commissioner of Community Affairs; and
- (8) Six members appointed by a majority vote of the 13 members appointed pursuant to the provisions of paragraphs (1) through (7) of this subsection. At least one of the members appointed under this paragraph shall be a homeless person or a person who has been homeless.

(b) Members shall be appointed to terms of office of three years each and until their respective successors are appointed and qualified; provided, however, that members in office on April 1, 1998, shall serve for the remainder of their then current terms of office. In no event shall a member serve more than two consecutive three-year terms of office.

(c) Except for those members appointed by the Commissioner of Human Resources, the Commissioner of Community Affairs, and the Commissioner of Labor, each member of the authority shall be a resident of Chatham County at the time of appointment and while holding office as a member of the authority. The appointing bodies under paragraphs (1), (2), and (8) of subsection (a) of this section shall invite business, civic, educational, and charitable organizations and institutions, including the Chatham-Savannah Authority for the Homeless, to suggest the names of persons as nominees for appointment to the authority, but such appointing bodies shall not be required to make appointments from such nominees.

(d) Members of the authority shall receive no compensation for serving on the authority but may be reimbursed for actual and necessary expenses incurred by them in carrying out their official duties.

(e) The authority may by a majority vote of its full membership remove any member of the authority if a member fails to attend the regular meetings of the authority or if a member otherwise fails to carry out the duties and responsibilities required of members of the authority. A vacancy created by the removal of a member as provided in this subsection shall be filled for the unexpired term in the same manner that other vacancies are filled.”

SECTION 2.

Said Act is further amended by striking Section 7 of said Act and inserting in lieu thereof the following:

“SECTION 7. Purposes.

The authority is created for the following purposes:

- (1) To develop and adopt, and from time to time amend, a comprehensive plan for public and private agencies to deal effectively with the problems of the homeless in the Chatham County-Savannah area;
- (2) To coordinate, evaluate, and provide administrative services and assistance in implementing and carrying out the comprehensive plan developed by the authority under paragraph (1) of this section;
- (3) To contract with public and private agencies for the purposes of paragraphs (1) and (2) of this section and for such public and private agencies to provide programs and services for the homeless in order to carry out the provisions of the comprehensive plan developed by the authority under paragraph (1) of this section; and
- (4) To offer services, including case management, employment training and referral, and other related services, to homeless persons so long as such services do not du-

plicate services offered and actually supplied by other existing programs and agencies.”

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SECTION 3.

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

On the adoption of the substitute, the yeas were 47, nays 0, and the substitute was adopted.

The substitute to the following bill was put upon its adoption:

* HB 1822:

The Senate Committee on State and Local Governmental Operations offered the following substitute to HB 1822:

A BILL

To be entitled an Act to amend an Act entitled “An Act creating a Board of Commissioners for Troup County,” approved March 25, 1958 (Ga. L. 1958, p. 3068), as amended, particularly by an Act approved March 20, 1985 (Ga. L. 1985, p. 3911), so as to change the compensation of the members and the chairperson of said board; to provide for a cost-of-living allowance; to provide conditions for an effective date and automatic repeal; to provide for a referendum; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act entitled “An Act creating a Board of Commissioners for Troup County,” approved March 25, 1958 (Ga. L. 1958, p. 3068), as amended, particularly by an Act approved March 20, 1985 (Ga. L. 1985, p. 3911), is amended by striking in its entirety Section 7 and inserting in lieu thereof the following:

“SECTION 7. Compensation of the members and the chairperson of the board.

- (a) The chairperson of the board of commissioners shall be compensated in the amount of \$11,616.00 per annum in equal monthly installments from the funds of Troup County.
- (b) The members of the board of commissioners, other than the chairperson, shall each be compensated in the amount of \$8,712.00 per annum in equal monthly installments from the funds of Troup County.
- (c) Whenever the employees of Troup County are granted a cost-of-living increase in salary, the salaries of the chairperson and members of the board of commissioners shall be increased in a like percentage.”

SECTION 2.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Troup County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Troup County for approval or rejection. The election superintendent shall conduct that election on the date of the general primary in 1998 and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Troup County. The ballot shall have written or printed thereon the words:

- () YES Shall the Act be approved which increases the compensation of the chairperson and members of the Board of Commissioners of Troup County from \$7,200.00 to \$11,616.00 and from \$6,000.00 to \$8,712.00, respectively, and provides for a cost of living adjustment for such officers?"
- () NO

All persons desiring to vote for approval of the Act shall vote "Yes," and those persons desiring to vote for rejection of the Act shall vote "No." If more than one-half of the votes cast on such question are for approval of the Act, it shall become of full force and effect immediately. If the Act is not so approved or if the election is not conducted as provided in this section, the remaining sections of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by Troup County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

On the adoption of the substitute, the yeas were 47, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th		Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
EX Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Egan		Madden		Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the local bills, the yeas were 47, nays 0.

All the bills on the Local Consent Calendar, except HB 1811 and HB 1822, having received the requisite constitutional majority, were passed.

HB 1811 and HB 1822, having received the requisite constitutional majority, were passed by substitute.

The following communication was received by the Secretary:

The State Senate
 Atlanta, Georgia 30334
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 March 3, 1998

Mr. Frank Eldridge, Jr.
 Secretary of the Senate
 351 State Capitol
 Atlanta, Georgia 30334

Dear Frank:

The Senate Committee on Higher Education met Tuesday, March 3, 1998, and considered the Governor's appointees to the Board of Regents of the University System of Georgia. The committee voted unanimously to recommend to the Senate that the following appointees be confirmed:

- Mrs. Shannon Amos of Muscogee County, for the term of office beginning June 20, 1997, and ending January 1, 2000.
- Mr David H. Averitt of Bulloch County, for the term of office beginning July 9, 1997 and ending January 1, 1999.
- Mrs. Juanita Powell Baranco of DeKalb County, for the term of office beginning January 5, 1998 and ending January 1, 2005.
- Mr. Hilton Hatchett Howell, Jr., of Fulton County, for the term of office beginning November 14, 1997 and ending January 1, 1999.
- Mr. Donald M. Leebern, Jr., of Muscogee County, for the term of office beginning January 5, 1998 and ending January 1, 2005.
- Mr. Glenn S. White of Gwinnett County, for the term of office beginning January 5, 1998 and ending January 1, 2005.

If you require further information, please contact my office.

Sincerely,
 /s/ Jack Hill

Senator Walker of the 22nd asked unanimous consent that one roll call suffice for the Governor's Appointments unless any Senator had an objection.

Senator Price of the 56th objected and asked unanimous consent that the following appointees to the State Board of Medical Examiners, previously submitted, be voted on as a group: Chenault Haley, Charles A. Walker, Charles Bush May, William A. Trotter III, Philip G. Wiltz Jr. , Roy S. Winston, Robert S. Crumrine and Cecil F. Whitaker Jr. The consent was granted.

On the confirmation of the uncontested appointees a roll call was taken, and the vote was as follows:

Y Abernathy	Y Cheeks	Y Griffin
Y Balfour	EX Clay	Y Guhl
Y Blicht	Y Crofts	Y Harbison
Y Boshears	Y Dean	Henson
Y Bowen	Y Egan	Y Hill
Y Broun, 46th	Y Fort	Y Hooks
Y Brown, 26th	Y Gillis	Y Huggins
Brush	Glanton	Y James
Y Burton	Y Gochenour	Y Johnson,D
Cagle		Y Johnson,E

Y Kemp	Y Price,R	Y Streat
Y Lamutt	Y Price,T	Y Tanksley
Y Land	Y Ragan	Y Taylor
Y Langford	Y Ralston	Thomas,D
Y Madden	Y Ray	Thomas,N
Y Marable	Y Roberts	Y Thompson
Y Middleton	Y Scott	Y Turner
Y Oliver	Y Starr	Y Tysinger
Perdue	Stokes	Y Walker

On the confirmation of the uncontested appointees, the yeas were 47, nays 0, and the uncontested appointees were confirmed.

On the confirmation of the contested appointees, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	N Price,R
N Balfour	N Guhl	N Price,T
Y Blitch	Harbison	Y Ragan
Y Boshears	Y Henson	Ralston
Y Bowen	Hill	Ray
Y Broun, 46th	Y Hooks	N Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
N Burton	Y Johnson,D	Stokes
Y Cagle	Y Johnson,E	Y Streat
Cheeks	Y Kemp	Y Tanksley
EX Clay	N Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	N Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Perdue	

On the confirmation of the contested appointees, the yeas were 36, nays 10, and the contested appointees were confirmed.

On the confirmation of the above appointees, the following communication was sent by the Secretary of the Senate to His Excellency, Governor Zell Miller:

March 10, 1998

Honorable Zell Miller
Governor
State Capitol
Atlanta, Georgia 30334

Dear Governor:

Under the rules of the Georgia State Senate governing confirmation of appointments submitted by you, I have the honor to report to you as follows:

Nominations sent to the Senate by you on February 23, 1998 and February 24, 1998, were acted upon by the Georgia State Senate in Session on March 10, 1998, with the following results:

The Honorable Shannon Amos of Muscogee County, as a member of the Board of Regents of the University System of Georgia for the term of office beginning June 20, 1997 and ending January 1, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable David H. Averitt of Bulloch County, as a member of the Board of Regents of the University System of Georgia for the term of office beginning July 9, 1997 and ending January 1, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Juanita Powell Baranco of DeKalb County, as a member of the Board of Regents of the University System of Georgia for the term of office beginning January 5, 1998 and ending January 1, 2005. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Hilton Hatchett Howell, Jr. of Fulton County, as a member of the Board of Regents of the University System of Georgia for the term of office beginning November 14, 1997 and ending January 1, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Donald M. Leebern, Jr. of Muscogee County, as a member of the Board of Regents of the University System of Georgia for the term of office beginning January 5, 1998 and ending January 1, 2005. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Glenn S. White of Gwinnett County, as a member of the Board of Regents of the University System of Georgia for the term of office beginning January 5, 1998 and ending January 1, 2005. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Ben Bennett of Chatham County, the Honorable Frank Henry of Hall County, and the Honorable William S. Lamb of Bibb County, as members of the State Board of Accountancy for the term of office beginning June 18, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Mary Edenfield of Pulaski County and the Honorable Ben F. Marsh of DeKalb County, as members of the Georgia Agricultural Exposition Authority for the term of office beginning January 6, 1998 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable John T. Mitchell of Bibb County and the Honorable Foster Rhodes of Houston County, as members of the Georgia Agricultural Exposition Authority for the term of office beginning January 6, 1998 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Felton A. Jenkins, Jr. of Morgan County, as a member of the Georgia Agricultural Exposition Authority for the term of office beginning November 5, 1997 and ending June 30, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable James Eugene Sutherland, Sr. of Clayton County and the Honorable Robert Williams of Pierce County, as members of the Georgia Agricultural Exposition Authority for the term of office beginning January 6, 1998 and ending June 30, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Samuel David Jones of Houston County, as a member of the State Board of Barbers for the term of office beginning November 7, 1997 and ending July 25, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Moses Ector of DeKalb County, as a member of the State Boxing Commission for the term of office beginning January 10, 1997 and ending November 6, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Les A. Schneider of Fulton County, as a member of the State Boxing Commission for the term of office beginning January 5, 1998 and ending July 20, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Loring Baker of Fulton County and the Honorable Rick Camp of DeKalb County, as members of the State Boxing Commission for the term of office beginning January 5, 1998 and ending December 20, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Therry Deal of Baldwin County, the Honorable Brenda Boyd Griffin of DeKalb County, the Honorable Lana Copeland Hardy of Fulton County and the Honorable Julie Sharpe of Tift County, as members of the Georgia Child Care Council for the term of office beginning January 27, 1998 and ending June 30, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Julian T. Cope of Jasper County, the Honorable Joyce Evans of Lowndes County, the Honorable Anne D. Hoffman of DeKalb County and the Honorable Jeri Jaudon Kropp of Bulloch County, as members of the Georgia Child Care Council for the term of office beginning January 27, 1998 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Lynn Hurley Blackburn of Coweta County, the Honorable Melissa K. Davis of Gwinnett County and the Honorable Elizabeth Richards of Fulton County, as members of the Georgia Child Care Council for the term of office beginning January 27, 1998 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Ruth Claiborne of Fulton County, the Honorable Dawn Collins of DeKalb County, the Honorable Renorta Heard of Hall County, the Honorable Carol Hunstein of Fulton County, the Honorable Deborah A. Johnson of DeKalb County, the Honorable Clay Land of Muscogee County, the Honorable Jim Martin of Fulton County, the Honorable Barry McGough of DeKalb County, the Honorable R. Mark Rogers of Spalding County, the Honorable John Thomas of Fulton County and Honorable Mark VanBrackle of Tift County, as members of the Georgia Commission on Child Support for the term of office beginning December 8, 1997 and ending July 1, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Brenda Franklin of Fulton County, as a member of the State Children's Trust Fund Commission for the term of office beginning April 15, 1997 and ending June 30, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Jeffrey H. Brickman of DeKalb County, the Honorable Rebecca A. Cheatham of Chatham County, the Honorable Fleda Mask Jackson of Fulton County and the Honorable Marlene P. Mitchell-Tibbs of Muscogee County, as members of the State Children's Trust Fund Commission for the term of office beginning April 15, 1997 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable S. David Doss of Floyd County, the Honorable Robert Pittman of Cobb County, the Honorable Anita Payne Smith of Hall County and the Honorable Roger Alan Williams of Bibb County, as members of the State Children's Trust Fund Commission for the term of office beginning April 15, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Sandro Wilfred Blalock of Tift County and the Honorable Velma McBride Murry of Clarke County, as members of the State Children's Trust Fund Commission for the term of office beginning September 11, 1997 and ending June 30, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Barbara Weinstock Levy of Fulton County, as a member of the State Children's Trust Fund Commission for the term of office beginning September 11, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Roy F. Chalker, Jr. of Burke County, as a member of the Board of Community Affairs for the term of office beginning September 23, 1997 and ending July 1, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Roger Boatright of Bacon County and the Honorable Robert L. Moore, Jr. of Toombs County, as members of the Board of Community Affairs for the term of office beginning September 23, 1997 and ending July 1, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Deborah W. Espy of Rockdale County, as a member of the Board of Community Affairs for the term of office beginning February 11, 1998 and ending July 1, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Ken Davis of Clayton County, the Honorable James Michael Green of White County, the Honorable Bill Slaughter, Jr. of Lowndes County, the Honorable Ricky Dean Stevens of Emanuel County and the Honorable W. Chandler White, Jr. of Fulton County, as members of the Construction Industry Licensing Board for the term of office beginning December 19, 1997 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Asa Terrell Boynton of Clarke County and the Honorable Charles B. Webster of Richmond County, as members of the Board of Corrections for the term of office beginning August 14, 1997 and ending July 1, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Vivian L. Bradshaw of Meriwether County, as a member of the State Board of Cosmetology for the term of office beginning February 11, 1998 and ending May 1, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Carol Rudesal of Habersham County, as a member of the State Board of Cosmetology for the term of office beginning February 11, 1998 and ending August 9, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Martha G. Harris of Clayton County, as a member of the State Board of Cosmetology for the term of office beginning February 11, 1998 and ending May 1, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable John Wesley Vollenweider of Troup County, as a member of the Georgia Board of Dentistry for the term of office beginning January 14, 1998 and ending August 1, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Stephen D. Holcomb of Houston County, as a member of the Georgia Board of Dentistry for the term of office beginning November 10, 1997 and ending August 1, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Thomas Moreland of Gwinnett County, as a member of the State Board of Registration for Professional Engineers and Land Surveyors for the term of office beginning June 19, 1997 and ending June 1, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Jane Fahey of Fulton County, as a member of the State Ethics Commission for the term of office beginning February 25, 1997 and ending March 2, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable C. Richard Yarbrough of Cobb County, as a member of the State Ethics Commission for the term of office beginning February 25, 1997 and ending March 2, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Robert C. Norman of Bibb County, as a member of the State Ethics Commission for the term of office beginning October 14, 1997 and ending March 2, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Stephen M. Katz of Fulton County, as a member of the Board of Commissioners of the Commission on Equal Opportunity for the term of office beginning June 10, 1997 and ending September 24, 1997. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Richard Bathrick of Fulton County, the Honorable Bryant Bradley of Chatham County, the Honorable Richard Darby of DeKalb County, the Honorable Tim Madison of Jackson County and the Honorable Kristin M. Pope of Clarke County, as members of the State Commission on Family Violence for the term of office beginning November 19, 1997 and ending November 2, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Barbara McBrayer-Brice of DeKalb County and the Honorable Sandra Wood of Fulton County, as members of the State Commission on Family Violence for the term of office beginning November 19, 1997 and ending July 1, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable John Allen of Muscogee County, the Honorable Ralph Bowden of DeKalb County, the Honorable Betty Ann Cook of Fulton County, the Honorable Robert L. Doss of Cobb County, the Honorable Carla V. Hungate of Douglas County, the Honorable Cliff Jolliff of Hall County, the Honorable Arthur Kellermann of DeKalb County, the Honorable Joseph Lumpkin, Sr. of Clarke County, the Honorable Meg Rogers of Cherokee County, the Honorable Jamil Saba of Dougherty County and the Honorable Cynthia Wright of Fulton County, as members of the State Commission on Family Violence for the term of office beginning November 19, 1997 and ending November 2, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Jim L. Gillis of Treutlen County, as a member of the State Forestry Commission for the term of office beginning January 12, 1998 and ending January 1,

2005. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

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The Honorable Paul W. Bryan, Jr. of Thomas County, as a member of the State Forestry Commission for the term of office beginning January 14, 1998 and ending January 1, 2004. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Luther Conyers, Jr. of Decatur County, the Honorable Susan Holmes of Jasper County, the Honorable Betty Lou Hunter of Cobb County, the Honorable Evelyn Wright Turner of Muscogee County and the Honorable Ken Vance of Baldwin County, as members of the Harold F. Holtz Municipal Training Institute for the term of office beginning January 26, 1998 and ending July 1, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Leonard Burse, Jr. of Ware County and the Honorable John R. Haynie of Cobb County, as members of the Harold F. Holtz Municipal Training Institute for the term of office beginning January 26, 1998 and ending July 1, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable George David Gowder, III of Union County, as a member of the Board of Human Resources for the term of office beginning September 17, 1997 and ending April 6, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Albert Robert Shelley of Chatham County, as a member of the Board of Human Resources for the term of office beginning September 17, 1997 and ending April 6, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable David J. Lance of Gordon County, as a member of the Board of Industry, Trade and Tourism for the term of office beginning January 2, 1997 and ending July 1, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Harold L. Bevis, Jr. of Fulton County, the Honorable Ingrid Saunders Jones of Fulton County and the Honorable A. Ray Weeks of Fulton County, as members of the Board of Industry, Trade and Tourism for the term of office beginning August 14, 1997 and ending July 1, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Sherman R. Day of Lumpkin County and the Honorable William J. Shellem of Muscogee County, as members of the Board of Juvenile Justice for the term of office beginning September 26, 1997 and ending July 6, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable John Carey Bittick of Monroe County, the Honorable Eleanor C. Main of Fulton County and the Honorable John Eddie Wiggins of Crisp County as members of the Board of Juvenile Justice for the term of office beginning September 26, 1997 and ending July 6, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Grace H. Taylor of Chatham County, as a member of the Georgia Board of Examiners of Licensed Practical Nurses for the term of office beginning August 25, 1997 and ending April 1, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Barbara M. Dooley of Clarke County and the Honorable Roy Richards, Jr. of Carroll County, as members of the Georgia Lottery Corporation for the term of office beginning January 9, 1998 and ending December 15, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Richard L. Holmes of Fayette County, as a member of the Board of Medical Assistance for the term of office beginning July 8, 1997 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Curtis Brantley of Ware County, as a member of the Board of Medical Assistance for the term of office beginning January 15, 1998 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Beauty P. Baldwin of Gwinnett County, as a member of the Board of Medical Assistance for the term of office beginning January 15, 1998 and ending June 30, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Chenault William Haley of Fulton County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending September 1, 1999. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable Charles A. Walker of Decatur County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending September 1, 2000. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable Charles Bush May of Bibb County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending September 1, 2001. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable William A. Trotter, III of Columbia County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 29, 1997 and ending December 31, 2000. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable Philip G. Wiltz, Jr. of Fulton County, as a member of the Composite State Board of Medical Examiners for the term of office beginning October 31, 1997 and ending September 1, 2000. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable Roy S. Winston of Fulton County, as a member of the Composite State Board of Medical Examiners for the term of office beginning November 3, 1997 and ending September 1, 1999. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable Robert S. Crumrine of Richmond County, as a member of the Composite State Board of Medical Examiners for the term of office beginning December 10, 1997 and ending September 1, 1999. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable Cecil F. Whitaker, Jr. of Muscogee County, as a member of the Composite State Board of Medical Examiners for the term of office beginning December 10, 1997 and ending September 1, 2001. The vote on this confirmation was yeas 36, nays 10, and the nominee was confirmed.

The Honorable Sam W. Doss, Jr. of Floyd County and the Honorable Chuck Reece of DeKalb County, as members of the Georgia Music Hall of Fame Authority for the term of office beginning July 7, 1997 and ending January 1, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Bill M. Gilbert of Chattooga County, as a member of the Board of Natural Resources for the term of office beginning January 28, 1997 and ending January 1, 2003. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Lenora Jordan Garrard of Muscogee County and the Honorable Reese J. Thompson of Toombs County, as members of the Board of Natural Resources for the term of office beginning February 5, 1998 and ending January 1, 2005. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Lewis P. Brown, Jr. of Wilkes County, as a member of the Nonpublic Postsecondary Education Commission for the term of office beginning January 14, 1997 and ending July 1, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Joseph Bascuas of Fulton County, the Honorable Tom Carey of Fulton County, the Honorable Betty Lumpkin of Randolph County and the Honorable Ronald J. Tomajko of DeKalb County, as members of the Nonpublic Postsecondary Education Commission for the term of office beginning September 15, 1997 and ending July 1, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Sylvia L. Bond of Bibb County and the Honorable Linda R. Roberts-Betsch of Forsyth County, as members of the Georgia Board of Nursing for the term of office beginning May 21, 1997 and ending September 23, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Marbury Taylor Stegall of DeKalb County, as a member of the Georgia Board of Nursing for the term of office beginning November 4, 1997 and ending September 23, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Pamela Jones Gordon of Hart County, as a member of the State Board of Nursing Home Administrators for the term of office beginning September 16, 1997 and ending June 4, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Walter S. Ray of Fulton County, as a member of the State Board of Pardons and Paroles for the term of office beginning December 31, 1997 and ending December 31, 2004. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Horace W. Hancock of Crisp County, as a member of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund for the term of office beginning March 10, 1997 and ending June 30, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Bobby D. Reed of Dooly County, as a member of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund for the term of office beginning March 10, 1997 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable William L. Cline of Cherokee County, as a member of the Board of Commissioners of the Peace Officers' Annuity and Benefit Fund for the term of office begin-

ning July 1, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable M. David Alalof of Richmond County, as a member of the State Personnel Board for the term of office beginning December 8, 1997 and ending January 3, 2003. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Jeffrey A. Sonnenfeld of Fulton County, as a member of the State Personnel Oversight Commission for the term of office beginning June 17, 1997 and ending June 30, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable J. Comer Yates of DeKalb County, as a member of the State Personnel Oversight Commission for the term of office beginning June 17, 1997 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Betty Smulian of Fulton County, as a member of the State Personnel Oversight Commission for the term of office beginning June 17, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable C. Ann Perry of Hall County, as a member of the State Board of Pharmacy for the term of office beginning August 15, 1997 and ending November 1, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Jeff Lurey of Gwinnett County and the Honorable D. Frank Landrum of Douglas County, as members of the State Board of Pharmacy for the term of office beginning August 15, 1997 and ending July 1, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Virginia Andrews of Worth County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia for the term of office beginning September 24, 1997 and ending June 30, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Garrison Baker of White County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia for the term of office beginning September 24, 1997 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable J. Mike Green of Jones County, as a member of the Board of Commissioners of the Judges of the Probate Courts Retirement Fund of Georgia for the term of office beginning September 24, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Tom Delaney of Troup County, as a member of the Professional Standards Commission for the term of office beginning September 5, 1996 and ending July 1, 1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable John Culbreath of Dougherty County, the Honorable William Pannell of Crisp County, the Honorable Beth Steele of Henry County, the Honorable Deborah Sue Wallace of Cobb County, the Honorable David Wallace of Lumpkin County and the Honorable William Ware of Hall County, as members of the Professional Standards Commission for the term of office beginning September 5, 1996 and ending July 1, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Donald Steven Meck of Houston County, as a member of the State Board of Examiners of Psychologists for the term of office beginning November 10, 1997 and ending March 27, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable R. T. Strong of Fulton County, as a member of the Board of Public Safety for the term of office beginning August 18, 1997 and ending January 20, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Robert E. Keller of Clayton County, as a member of the Board of Public Safety for the term of office beginning August 18, 1997 and ending January 20, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Rooney L. Bowen, III of Dooly County, as a member of the Board of Public Safety for the term of office beginning September 23, 1997 and ending September 1, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Hubert Laddell Smith of Floyd County, as a member of the Board of Public Safety for the term of office beginning January 27, 1998 and ending January 20, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable L. Cary Bittick of Monroe County and the Honorable Nick E. Giles of Taylor County, as a member of the Sheriffs' Retirement Fund of Georgia for the term of office beginning January 29, 1997 and ending June 30, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Jarrett Eugene Hodge of Muscogee County, as a member of the Sheriffs' Retirement Fund of Georgia for the term of office beginning January 29, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Yvonne McGlockton McNeil of DeKalb County, as a member of the State Board of Examiners for Speech-Language Pathology and Audiology for the term of office beginning December 29, 1997 and ending July 1, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Pete Cox of Sumter County, as a member of the Georgia Sports Hall of Fame Authority for the term of office beginning September 29, 1997 and ending November 29, 2000 and as a member of the Georgia Sports Hall of Fame Board for the term of office beginning September 29, 1997 and ending November 29, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Denmark Groover, Jr. of Bibb County, as a member of the Georgia Sports Hall of Fame Authority for the term of office beginning August 14, 1997 and ending November 29, 2002 and as a member of the Georgia Sports Hall of Fame Board for the term of office beginning August 14, 1997 and ending November 29, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Barry Phillips of Fulton County, as a member of the Georgia Sports Hall of Fame Board for the term of office beginning September 29, 1997 and ending November 29, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Eunice L. Mixon of Tift County, as a member of the Georgia Student Finance Commission for the term of office beginning August 5, 1997 and ending March 15,

1998. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

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The Honorable Susan Perry of Rockdale County and the Honorable Florence Sumner of DeKalb County, as members of the Georgia Student Finance Commission for the term of office beginning August 5, 1997 and ending March 15, 1999. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable R. Kirby Godsey of Bibb County, as a member of the Georgia Student Finance Commission for the term of office beginning August 15, 1997 and ending March 15, 2003. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Jimmy Tallent of Union County, as a member of the State Board of Technical and Adult Education for the term of office beginning April 11, 1997 and ending June 30, 2000. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable George L. Bowen of DeKalb County, as a member of the State Board of Technical and Adult Education for the term of office beginning September 26, 1997 and ending June 30, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable William Henry NeSmith, Jr. of Clarke County and the Honorable Michael J. Coles of Cobb County, as members of the Georgia Public Telecommunications Commission for the term of office beginning October 15, 1997 and ending June 30, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominees were confirmed.

The Honorable Calvin C. Dudley of Franklin County, as a member of the Veterans Service Board for the term of office beginning February 5, 1998 and ending April 1, 2002. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Horace E. Borders of Polk County, as a member of the Veterans Service Board for the term of office beginning February 5, 1998 and ending April 1, 2003. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable W. D. Harrell of Decatur County, as a member of the Veterans Service Board for the term of office beginning February 5, 1998 and ending April 1, 2004. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Harrill Dawkins of Rockdale County, as Chairman of the State Board of Workers' Compensation for the term of office beginning August 6, 1997 and ending May 1, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

The Honorable Vicki L. Snow of DeKalb County, as a member of the State Board of Workers' Compensation for the term of office beginning August 6, 1997 and ending May 1, 2001. The vote on this confirmation was yeas 47, nays 0, and the nominee was confirmed.

Sincerely,
/s/ Frank Eldridge, Jr.
Secretary of the Senate

Senator Thompson of the 33rd introduced Brett Butler, commended by SR 694, adopted previously, who addressed the Senate briefly.

SENATE RULES CALENDAR

www.libtool.com.cn Tuesday, March 10, 1998
THIRTY-FIFTH LEGISLATIVE DAY

- HB 1352 Game and fish; amend provisions (Amendments)(Nat R-20th) Lane-146th
- HB 1130 Telecommunications Marketing Act of 1998; enact (Amendment) (F&PU-22nd) Williams-83rd
- HB 1474 Homestead exemption; additional qualification; recordation of deed (Substitute)(F&PU-31st) Polak-67th
- HB 1433 Special county 1% sales tax; audit report; schedule requirements (F&PU-31st) Royal-164th
- HB 1144 Security instruments; cancellation; secure from clerk of superior court (Substitute)(S Judy-40th) Buck-135th
- HB 1185 J. William Fulbright Educational Exchange Program; provisions (Ed-52nd) Birdsong-123rd
- HB 1252 Controlled substances; amend listing; remove certain penalty (Substitute)(H&HS-47th) Parham-122nd
- HB 1195 Foresters; code of ethics; State Board authorize adoption (Ag-11th) Floyd-138th
- HB 1253 Georgia State Nutrition Assistance Program (SNAP); enact (Substitute)(Ag-35th) James-140th
- HB 1552 North Georgia College; certain students; scholarship grants (H Ed-4th) Purcell-147th
- HB 1216 Municipal probation officers; training requirements; definitions (Pub Saf-16th) Campbell-42nd
- HB 1667 Income tax; certain tax credits; tier 1 counties (Substitute) (F&PU-4th) Bordeaux-151st
- HB 1522 Intangible recording tax; clerk of superior court collect (Amendment)(F&PU-40th) Martin-47th
- HB 1656 Sales tax; exemptions; amend provisions (F&PU-44th) Skipper-137th
- HB 1440 Medical fraud; abuse; seizure of property (H&HS-1st) Sauder-29th

Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

HB 1352, having been previously read the third time, lost and reconsidered, was continued upon its passage:

HB 1352. By Representative Lane of the 146th:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to change certain definitions; to change provisions relative to the saltwater separation point; to change certain provisions relating to identification of boats taking shrimp; to provide for a recreational fishing license for all waters of this state.

Three previously adopted amendments appear in the Journal of March 3, 1998: Kemp, et al. (26.0241), Boshears et al.(26.0235) and Ray, et al.(9 0566).

Senator Boshears of the 6th offered the following amendment:

Amend HB 1352 by striking line 39 on page 2 and inserting in lieu thereof the following:

~~“deed to such land.~~

(d) Notwithstanding the provisions of subsections (b) and (c) of this Code section, no license shall be required to fish from a public fishing dock, pier, or bridge maintained by a county or municipal government and designated as a public fishing dock, pier, or bridge.”

On the adoption of the amendment, the President ordered a roll call, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	N	Guhl	Y	Price,T
Y	Blitch	N	Harbison	Y	Ragan
Y	Boshears		Henson	Y	Ralston
N	Bowen	N	Hill	N	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	N	Huggins	Y	Scott
Y	Brush	Y	James	N	Starr
N	Burton	Y	Johnson,D	Y	Stokes
N	Cagle	Y	Johnson,E	N	Streat
N	Cheeks	Y	Kemp	Y	Tanksley
EX	Clay	N	Lamutt	N	Taylor
N	Crotts	N	Land	Y	Thomas,D
N	Dean	Y	Langford	N	Thomas,N
N	Egan	N	Madden	N	Thompson
Y	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	N	Tysinger
Y	Glanton	N	Oliver	N	Walker
Y	Gochenour	N	Perdue		

On the adoption of the amendment, the yeas were 23, nays 31, and the Boshears amendment was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

N	Abernathy	Y	Brown, 26th	Y	Crotts
Y	Balfour	Y	Brush	Y	Dean
N	Blitch	N	Burton	Y	Egan
N	Boshears	Y	Cagle	N	Fort
Y	Bowen	Y	Cheeks	Y	Gillis
Y	Broun, 46th	EX	Clay		

N	Glanton	Y	Lamutt	Y	Roberts
N	Gochenour	Y	Land	Y	Scott
Y	Griffin	Y	Langford	Y	Starr
Y	Guhl	Y	Madden	Y	Stokes
Y	Harbison	Y	Marable	Y	Streat
	Henson	Y	Middleton	Y	Tanksley
Y	Hill	Y	Oliver	Y	Taylor
Y	Hooks	Y	Perdue	Y	Thomas,D
Y	Huggins	Y	Price,R	Y	Thomas,N
Y	James	Y	Price,T	Y	Thompson
N	Johnson,D	Y	Ragan	Y	Turner
N	Johnson,E	Y	Ralston	Y	Tysinger
N	Kemp	Y	Ray	Y	Walker

On the passage of the bill, the yeas were 44, nays 10.

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

The following communication was received by the Secretary:

March 10, 1998

Mr. Frank Eldridge
Secretary of the Senate
State Capitol
Atlanta, Georgia 30334

Dear Mr. Secretary:

I inadvertently voted the wrong way on House Bill 1352. I pushed "No" when I really intended to vote "Yes"

Please record this accordingly.

Respectfully,

/s/ Ralph David Abernathy, III

The following general bills were read the third time and put upon their passage:

HB 1130. By Representatives Williams of the 83rd, Everett of the 163rd, Powell of the 23rd and others:

A bill to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, so as to provide for a short title; to define certain terms; to provide for the certification of telecommunications companies which bill for or solicit intrastate telecommunications services.

Senate Sponsor: Senator Walker of the 22nd.

The Senate Finance and Public Utilities Committee offered the following amendment:

Amend HB 1130 by inserting the word "or" at the end of line 17 of page 3, by striking line 18 of page 3 through line 17 of page 4, and by striking "(5)" and inserting in lieu thereof "(4)" on line 18 of page 4.

On the adoption of the amendment, the yeas were 33, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison		Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen		Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
EX	Clay	Y	Lamutt		Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton		Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 50, nays 0.

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

At 12:03 P.M., the President announced that the Senate would stand in recess until 1:30 P.M.

The President called the Senate to order at 1:30 P.M.

The Calendar was resumed.

HB 1474. By Representative Polak of the 67th:

A bill to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding tax exemptions, so as to change certain qualifications with respect to homestead exemptions.

Senate Sponsor: Senator Dean of the 31st.

The Senate Committee on Finance and Public Utilities offered the following substitute to HB 1474:

A BILL

To be entitled an Act to amend Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding tax exemptions, so as to change certain qualifications with respect to homestead exemptions; 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.

Code Section 48-5-40 of the Official Code of Georgia Annotated, relating to definitions regarding tax exemptions, is amended by striking paragraph (3) and inserting in its place a new paragraph (3) to read as follows:

“(3) ‘Homestead’ means the real property owned by and in possession of the applicant on January 1 of the taxable year and upon which the applicant resides including, but not limited to, the land immediately surrounding the residence to which the applicant has a right of possession under a bona fide claim of ownership. The term ‘homestead’ includes the following qualifications:

(A) The actual permanent place of residence of an individual who is the applicant and which constitutes the home of the family;

(B) Where the person who is the applicant holds the bona fide fee title (although subject to mortgage or debt deed), an estate for life, or under any bona fide contract of purchase providing for the conveyance of title to the applicant upon performance of the contract;

(C) Where the building is occupied primarily as a dwelling;

(D) Where the children of deceased or incapacitated parents occupy the homestead of their parents and one of the children stands in the relation of applicant. This subparagraph shall apply whether or not the estate is distributed;

(E) Where a husband or wife occupies a dwelling and the title of the homestead is in the name of the wife;

(F) In the event a dwelling house which is classed as a homestead is destroyed by fire, flood, storm, or other unavoidable accident or is demolished or repaired so that the owner is compelled to reside temporarily in another place, the dwelling house shall continue to be classed as a homestead for a period of one year after the occurrence;

(G) In the event an individual who is the applicant owns two or more dwelling houses, he shall be allowed the exemption granted by law on only one of the houses. Only one homestead shall be allowed to one immediate family group;

(H) Where property is owned and occupied jointly by two or more individuals all of whom occupy the property as a home and if the property is otherwise entitled to a homestead exemption, the homestead may be claimed in the names of the joint owners residing in the home. Where the property on which a homestead exemption is claimed is jointly owned by the occupant and others, the occupant or occupants shall be entitled to claim the full amount of the homestead exemption;

(I) The permanent place of residence of an individual in the armed forces. Any such residence shall be construed to be actually occupied as the place of abode of such individual when the family of the individual resides in the residence or when the family is forced to live elsewhere because of the individual’s service in the armed forces;

(J) Absence of an individual from his residence because of duty in the armed forces shall not be considered as a waiver upon the part of the individual in applying for a homestead exemption. Any member of the immediate family of the individual or a friend of the individual may notify the tax receiver or the tax commissioner of the individual’s absence. Upon receipt of this notice, the tax receiver or tax commissioner shall grant the homestead exemption to the individual who is absent in the armed forces;

(K) ~~The in all classes defined in subparagraphs (A) through (G) of this paragraph, the homestead exempted must be actually occupied as the permanent residence and place of abode by the applicant awarded the exemption, and the homestead~~

shall be the legal residence and domicile of the applicant for all purposes whatever; or

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(L) In all counties having a population of not less than 15,000 nor more than 15,350, according to the United States decennial census of 1990 or any future such census, where the person who is the applicant holds real property subject to a written lease; the applicant has held the property subject to such a lease for not less than three years prior to the year for which application is made; and the applicant is the owner of all improvements located on the real property; and

(M) The deed reflecting the actual ownership of the property for which the applicant seeks to receive a homestead exemption must be recorded in the deed records of the county prior to the filing of the application for the homestead exemption."

SECTION 2.

This Act shall become effective on January 1, 1999, and shall be applicable to all taxable years beginning on or after that date.

SECTION 3.

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

On the adoption of the substitute, the yeas were 33, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Balfour	Y	Guhl	Y	Price,T
Blicht		Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins		Scott
Y Brush		James	Y	Starr
Y Burton		Johnson,D		Stokes
Cagle	Y	Johnson,E	Y	Streat
Y Cheeks		Kemp		Tanksley
EX Clay		Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford		Thomas,N
Y Egan	Y	Madden		Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis		Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 36, nays 0.

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

HB 1433. By Representatives Royal of the 164th, Shanahan of the 10th, Smith of the 12th and others:

A bill to amend Code Section 48-8-121 of the Official Code of Georgia Annotated, relating to use of proceeds, issuance of certain debt, and audit reporting requirements applicable to special county 1 percent sales and use tax, so as to change the provisions relating to the contents of the required audit report schedule.

Senator Dean of the 31st asked unanimous consent that HB 1433 be dropped to the bottom of the Calendar. The consent was granted.

Senator Madden of the 47th moved that Senator Middleton of the 50th be excused. On the motion, the yeas were 33, nays 0; the motion prevailed, and Senator Middleton was excused.

The Calendar was resumed.

HB 1144. By Representatives Buck of the 135th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Code Section 44-14-3 of the Official Code of Georgia Annotated, relating to the cancellation of record of certain security instruments, so as to require the grantee of such instrument to secure the proper satisfaction or cancellation of record of the instrument by the clerk of the superior court.

Senate Sponsor: Senator Egan of the 40th.

The Senate Committee on Special Judiciary offered the following substitute to HB 1144:

A BILL

To be entitled an Act to amend Code Section 44-14-3 of the Official Code of Georgia Annotated, relating to the cancellation of record of certain security instruments, so as to require the grantee or holder of such instrument to secure the proper satisfaction or cancellation of record of the instrument by the clerk of the superior court; to provide certain rights to holders of certain security instruments; to change the provisions relating to the civil penalty for failure to comply; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 44-14-3 of the Official Code of Georgia Annotated, relating to the cancellation of record of certain security instruments, is amended by striking in their entirety subsections (b) and (c) and inserting in lieu thereof new subsections (b) and (c) to read as follows:

“(b)(1) Whenever the indebtedness secured by any instrument is paid in full, the grantee or holder of the instrument, within 60 days of the date of the full payment, shall cause to be furnished to the grantor ~~at the grantor's last known address as shown on the records of the grantee or~~ to the clerk of the superior court of the county or counties in which the instrument is recorded a legally sufficient satisfaction or cancellation to authorize and direct the clerk or clerks to cancel the instrument of record. The grantee or holder shall further direct the clerk of the court to transmit to the grantor the original cancellation or satisfaction document at the grantor's last known address as shown on the records of the grantee or holder. In the case of a revolving loan account, the debt shall be considered to be ‘paid in full’ only when the entire indebtedness including accrued finance charges has been paid

and the lender or debtor has notified the other party to the agreement in writing that he wishes to terminate the agreement pursuant to its terms.

(2) Notwithstanding paragraph (1) of this subsection, if an attorney at law remits the pay-off balance of an instrument to a grantee or holder on behalf of a grantor, the grantee or holder may direct the clerk of the court to transmit to such attorney the original cancellation or satisfaction document.

(3) A grantee or holder shall be authorized to add to the pay-off amount the costs of recording a cancellation or satisfaction of an instrument.

(c) Upon the failure of the grantee or holder to transmit properly a legally sufficient satisfaction or cancellation as provided in this Code section, the grantee or holder shall be liable to the grantor for the sum of \$500.00 as liquidated damages and, in addition thereto, for such additional sums for any loss caused to the grantor plus reasonable attorney's fees. The grantee or holder shall not be liable to the grantor if he or she demonstrates reasonable inability to comply with subsection (b) of this Code section; and the grantee or holder shall not be liable to the grantor unless and until a written demand for the transmittal is made."

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

On the adoption of the substitute, the yeas were 32, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
	Balfour	Y	Guhl	Y	Price,T
	Blitch		Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins		Scott
Y	Brush	Y	James	Y	Starr
Y	Burton		Johnson,D		Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks		Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
	Dean		Langford		Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 40, nays 0.

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

HB 1185. By Representatives Birdsong of the 123rd, Porter of the 143rd, Walker of the 141st and others:

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A bill to amend Code Section 20-2-302 of the Official Code of Georgia Annotated, relating to funds for operation of schools for deaf and blind persons, so as to provide that employees of the state schools for the deaf and blind governed by the State Board of Education shall be authorized to participate in the J. William Fulbright Educational Exchange Program the same as school teachers in the local public school systems of this state.

Senate Sponsor: Senator Marable of the 52nd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
	Balfour	Y	Guhl	Y	Price,T
	Blitch		Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins		Scott
Y	Brush	Y	James	Y	Starr
Y	Burton		Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks		Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean		Langford		Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 45, nays 0.

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

HB 1252. By Representatives Parham of the 122nd, Twiggs of the 8th, Martin of the 145th and others:

A bill to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change the listing of controlled substances and dangerous drugs; to delete certain penalty provisions relating to carisoprodol.

Senate Sponsor: Senator Madden of the 47th.

The Senate Committee on Health and Human Services offered the following substitute to HB 1252:

A BILL

To be entitled an Act to amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change the listing of controlled substances and dangerous drugs; to delete certain penalty provisions relating to

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

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, is amended by striking the period and inserting a semicolon at the end of subparagraph (AA) of paragraph (6) of Code Section 16-13-27, relating to Schedule III controlled substances, and inserting immediately thereafter the following:

“(7) Ketamine.”

SECTION 2.

Said chapter is further amended by adding in the appropriate position in subsection (a) of Code Section 16-13-28, relating to Schedule IV controlled substances, the following:

“(30.15) Sibutramine;”

SECTION 3.

Said chapter is further amended by striking from subsection (b) of Code Section 16-13-71, listing the dangerous drugs, the following paragraphs:

(12.1) Reserved;
 (258) Dexbrompheniramine;
 (399) Reserved;
 (411.5) Ganciclovir sodium;
 (508) Ketamine;
 (509.1) Ketoconazole;”

SECTION 4.

Said chapter is further amended by adding in the appropriate positions in subsection (b) of Code Section 16-13-71, listing the dangerous drugs, the following paragraphs:

“(3.5) Acetic acid, glacial;
 (12.1) Acitretin;
 (44.3) Amlexanox;
 (50.3) Anagrelide;
 (62.7) Ardeparin;
 (68.13) Atorvastatin;
 (72.4) Azelastine;
 (83.5) Bentoquatam—See exceptions;
 (94.5) Betaine, anhydrous;
 (107.5) Brimonidine;
 (116.05) Buprenorphine;
 (119.05) Butenafine;
 (122.5) Cabergoline;
 (159.8) Cerivastatin;
 (236.6) Daclizumab;

(237.7) Danaparoid;
(244.5) Delavirdine;
(258) Dexbrompheniramine—See exceptions;
(316.5) Donepezil;
(379.07) Etomidate;
(383.3) Ferumoxides;
(383.4) Ferumoxsil;
(399) Fluoxetine;
(406.5) Fosfomycin;
(406.9) Fosphenytoin;
(411.5) Ganciclovir;
(415.03) Glatiramer;
(446.6) Hyaluronan;
(446.7) Hyaluronic acid;
(466.5) Imiquimod;
(506.8) Ivermectin;
(508) Reserved;
(509.1) Ketoconazole—See exceptions;
(517.2) Levofloxacin;
(546.5) Meclocycline;
(615.6) Mibefradil;
(617.1) Midodrine;
(617.4) Miglitol;
(638.8) Nelfinavir;
(644.4) Nilutamide;
(661.8) Olanzapine;
(663.2) Olopatadine;
(692.8) Penciclovir;
(703.03) Pentosan;
(727.2) Phenytoin;
(743.3) Podofilox;
(831.02) Raloxifene;
(845.5) Ropivacaine;
(851.03) Samarium SM 153 lexidronam;
(883.8) Sparfloxacin;
(931.1) Tamsulosin;
(931.3) Tazarotene;
(966.6) Tiludronate;
(967.7) Tizanidine;

- (973.1) Topiramate;
- (973.4) Toremifene;
- (973.9) Tranexamic acid;
- (1003.5) Troglitazone;
- (1024.5) Valsartan;
- (1042.01) Zafirlukast;
- (1042.4) Zileuton;
- (1042.7) Zinc acetate—see exceptions;”

SECTION 5.

Said chapter is further amended by striking from subsection (c) of Code Section 16-13-71, listing the dangerous drugs, the following:

- “(14.2) Minoxidil—when used with a strength up to 2 percent in a topical skin product;
- (23) Pseudoephedrine—where the dosage unit is not more than 60 mg. or, when manufactured to release the drug in delayed action slow time release, where the dosage unit is not more than 120 mg.;
- (27.5) Tioconazole—when used with a strength up to 1 percent in a topical product;”

SECTION 6.

Said chapter is further amended by adding in the appropriate positions in subsection (c) of Code Section 16-13-71, listing the dangerous drugs, the following:

- (3.5) Bentoquatam—when used with a strength of 5 percent or less in topical preparations;
- (7.9) Dexbrompheniramine—when a single dosage unit is 6 mg. or less;
- (12.3) Ketoconazole—when used with a strength of 1 percent or less in topical preparations;
- (14.2) Minoxidil—when used with a strength of 5 percent or less in topical preparations;
- (23) Pseudoephedrine—when a single dosage unit is 60 mg. or less or when manufactured in an extended release form with a dosage unit of 240 mg. or less;
- (27.5) Tioconazole—when used with a strength of 1 percent or less in topical preparations or when used with a strength of 6.5 percent or less in vaginal preparations;
- (29.5) Zinc acetate—when used in topical preparations;”

SECTION 7.

Said chapter is further amended by striking subsection (d) of Code Section 16-13-79, relating to penalties, which reads as follows:

- “(d) Any person who obtains carisoprodol by fraud, theft, deceit, misrepresentation, subterfuge, forgery or alteration of a prescription or written order, concealment of a material fact, or the use of a false name shall be guilty of a felony and punished by imprisonment for not less than one year nor more than three years or by a fine not to exceed \$5,000.00 or both.”

SECTION 8.

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

SECTION 9.

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

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Balfour	Y	Guhl	Y	Price,T
Blitch	Y	Harbison		Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins		Scott
Y Brush	Y	James	Y	Starr
Y Burton		Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks		Kemp	Y	Tanksley
EX Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	EX	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 45, nays 0.

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

Senator Gochenour of the 27th moved that the Senate insist on its substitute to the following bill of the House:

HB 1337. By Representative Stancil of the 91st:

A bill to amend Code Section 8-2-26 of the Official Code of Georgia Annotated, relating to the enforcement of state minimum standard building codes, so as to change the provisions relating to the requirement that certain information be printed on county and municipal building permits.

On the motion, the yeas were 33, nays 0; the motion prevailed, and the Senate insisted on its substitute to HB 1337

The Calendar was resumed.

HB 1195. By Representative Floyd of the 138th:

A bill to amend Part 2 of Article 1 of Chapter 6 of Title 12 of the Official Code of Georgia Annotated, relating to the practice of professional forestry, so as to authorize the State Board of Registration for Foresters to adopt a code of professional ethics for foresters and thereby define unethical practice or conduct for certain purposes.

Senate Sponsor: Senator Ragan of the 11th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
	Balfour	Y	Guhl	Y	Price,T
	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins		Scott
	Brush	Y	James	Y	Starr
Y	Burton		Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks		Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
	Glanton	Y	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 45, nays 0.

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

HB 1253. By Representatives James of the 140th, Reaves of the 178th, Floyd of the 138th and others:

A bill to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to create the Georgia State Nutrition Assistance Program.

Senate Sponsor: Senator James of the 35th.

The Senate Committee on Agriculture offered the following substitute to HB 1253:

A BILL

To be entitled an Act to amend Title 2 of the Official Code of Georgia Annotated, relating to agriculture, so as to create the Georgia State Nutrition Assistance Program; to provide a short title; to provide for definitions; to provide for grants and the terms and conditions related thereto; to provide for administration of the grant program and qualifications related thereto; to provide for contracts; to provide for rules and regulations; to provide for audits and reports; to prohibit certain conduct; to provide for penalties; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 2 of the Official Code of Georgia Annotated, relating to agriculture, is amended by adding at the end thereof a new Chapter 17 to read as follows:

“CHAPTER 17

2-17-1.

This chapter shall be known and may be cited as the ‘Georgia State Nutrition Assistance Program (SNAP).’

2-17-2.

As used in this chapter, the term:

- (1) ‘Department’ means the Georgia Department of Agriculture.
- (2) ‘Emergency food provider’ means a nonprofit, charitable organization that offers groceries or meals to people who are in need of food assistance and who reside in this state.
- (3) ‘Program’ means the Georgia State Nutrition Assistance Program (SNAP) created by this chapter.
- (4) ‘Program participant’ means an individual or household which is in need of short-term food assistance to supplement the diet in order to prevent hunger or malnutrition, or both.
- (5) ‘Regional food bank’ means an established nonprofit charitable organization which is qualified as exempt from taxation under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986 and which, as part of an existing food bank network, maintains a food distribution operation providing food to nonprofit food pantries and feeding centers that offer groceries or meals to people in need of food assistance.
- (6) ‘State nutrition information organization’ means an established nonprofit charitable organization which is qualified as exempt from taxation under the provisions of Section 501(c)(3) of the Internal Revenue Code of 1986 and which, as part of its mission, fosters and promotes general health through nutrition education of the public.

2-17-3.

(a) The Georgia State Nutrition Assistance Program (SNAP) is established to provide grants to regional food banks within this state for the purchase, transportation, storage, and distribution of food to emergency food providers and program participants. Such grants shall be made from funds available to the department for such purpose. Grants made pursuant to the program shall be used only for the purchase of food or agricultural commodities from Georgia based purveyors or producers for repacking or processing, or both, of food for distribution to emergency food providers and program participants.

(b) The program shall be administered by the department and all administrative costs shall be reimbursed to the department from the funds described in subsection (a) of this Code section.

(c) All food purchases made through the use of program funds shall be made in accordance with the following standards:

- (1) All food shall be procured from Georgia based sources;
- (2) Food shall be purchased at wholesale, competitive bid prices or better; and

(3) Food purchased with funds through the program shall not duplicate food available through the federal commodities program of the United States Department of Agriculture.

(d) Not more than 7 percent of the grant funds made available through the program shall be used by any regional food bank for the payment of administrative and incidental costs.

(e) The department shall contract with regional food banks for the operation of the program. The department, in conjunction with regional food banks, is authorized to take appropriate actions, including the entry of subcontracts, to ensure uniform access to the program by needy residents of this state. The department may contract with a state nutrition information organization to provide nutrition education as part of the program to residents of this state.

(f) The department shall, by rule or regulation, establish and enforce procedures and guidelines for the determination of eligibility for participation in the program. Such rules, regulations, and procedures shall not limit or affect the established guidelines used by emergency food providers for any of their programs for which no funds are provided through the program established pursuant to this chapter. No person who is eligible for food funded by the program shall be charged for food or encouraged to contribute money in order to receive food under the program.

2-17-4.

The program established pursuant to this chapter and any funds granted pursuant to this chapter or expenditures made with such funds are subject to review and audit by the department and the state auditor to determine proper operation of the program and compliance with statutes, regulations, and policies. Contractors, subcontractors, and others receiving funds or commodities under this chapter shall be subject to audit and review by the state auditor at reasonable times.

2-17-5.

Within 90 days of the conclusion of the state's fiscal year, any entity with which the department has contracted for the operation of the program shall submit to the department an annual report which shall account fully for and shall specify the expenditure of funds made pursuant to the program, the dollar value of Georgia products distributed, the number of people and households served in each county, and the type and weight of food purchased. Within 180 days of the end of the state's fiscal year, the Commissioner shall submit an annual report to the Governor, the President of the Senate, and the Speaker of the House of Representatives. Such report shall include, but not be limited to, relevant information concerning the operation of the program for the preceding fiscal year, the quantity and dollar value of Georgia products distributed, the number of people and households served in each county, and the type and weight of food purchased.

2-17-6.

It shall be unlawful for any person providing voluntary services to the department or to any regional food bank or emergency food provider which receives funds or food through the program or for any official or employee of the department to receive food for personal use through the program or to provide services for profit pursuant to the program created by this chapter. Any person violating this Code section shall be guilty of a misdemeanor."

SECTION 2.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
	Balfour	Y	Guhl	Y	Price,T
	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins		Scott
Y	Brush	Y	James		Starr
Y	Burton		Johnson,D	Y	Stokes
Y	Cagle		Johnson,E		Streat
Y	Cheeks		Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
	Glanton		Oliver		Walker
Y	Gochenour		Perdue		

On the passage of the bill, the yeas were 41, nays 0.

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

HB 1552. By Representatives Purcell of the 147th, Parham of the 122nd, Parrish of the 144th and others:

A bill to amend Part 3 of Article 7 of Chapter 3 of Title 20 of the Official Code of Georgia Annotated, relating to the Georgia Student Finance Authority, so as to provide for the establishment by the authority of a program of scholarship grants for students at North Georgia College who have previously completed two scholarship years at Georgia Military College.

Senate Sponsor: Senator Hill of the 4th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Brown, 26th	Y	Crotts
	Balfour	Y	Brush	Y	Dean
	Blitch	Y	Burton	Y	Egan
Y	Boshears	Y	Cagle	Y	Fort
Y	Bowen	Y	Cheeks	Y	Gillis
Y	Broun, 46th	EX	Clay		

	Glanton	Y	Lamutt	Y	Roberts
Y	Gochenour	Y	Land		Scott
Y	Griffin	Y	Langford	Y	Starr
Y	Guhl	Y	Madden		Stokes
Y	Harbison	Y	Marable	Y	Streat
	Henson	EX	Middleton	Y	Tanksley
Y	Hill		Oliver	Y	Taylor
Y	Hooks		Perdue	Y	Thomas,D
Y	Huggins	Y	Price,R		Thomas,N
Y	James	Y	Price,T	Y	Thompson
	Johnson,D	Y	Ragan	Y	Turner
Y	Johnson,E	Y	Ralston	Y	Tysinger
	Kemp	Y	Ray		Walker

On the passage of the bill, the yeas were 42, nays 0.

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

HB 1216. By Representative Campbell of the 42nd:

A bill to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, the "Georgia Peace Officer Standards and Training Act," so as to change the definition of certain terms; to include certain employees of municipal probation systems who are authorized to exercise the power of arrest within the definition of the term "peace officer"

Senate Sponsor: Senator Land of the 16th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	Y	Price,R
	Balfour	Y	Guhl	Y	Price,T
	Blicht	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th		Huggins		Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	EX	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 49, nays 0.

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

HB 1667. By Representative Bordeaux of the 151st:

A bill to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition, rate, and computation of income taxes, so as to change certain provisions regarding tax credits for existing manufacturing facilities or manufacturing support facilities in tier 1 counties.

Senate Sponsor: Senator Hill of the 4th.

The Senate Committee on Finance and Public Utilities offered the following substitute to HB 1667:

A BILL

To be entitled an Act to amend Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition and rate of income taxes, so as to provide for certain alternative tax credits for increasing exports from Georgia businesses in conjunction with the addition of jobs or qualified investment property; to provide for conditions, limitations, and procedures; to provide for an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 2 of Chapter 7 of Title 48 of the Official Code of Georgia Annotated, relating to imposition and rate of income taxes, is amended by adding after Code Section 48-7-40.14, a new Code section to read as follows:

“48-7-40.15.

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

(1) ‘Base year port traffic’ means the total amount of net tons, containers, twenty-foot equivalent units (TEU’s), or dollar value of product actually transported by way of a waterborne ship or vehicle through a port facility during the period from January 1, 1997, through December 31, 1997; provided, however, that in the event the total amount actually transported during such period was not at least 75 net tons, five containers, ten twenty-foot equivalent units (TEU’s), or \$100,000.00 product value, then ‘base year port traffic’ means 75 net tons, five containers, ten twenty-foot equivalent units (TEU’s), or \$100,000.00 of product value.

(2) ‘Business enterprise’ means any business or the headquarters of any such business which is engaged in manufacturing, warehousing and distribution, processing, telecommunications, tourism, and research and development industries but shall not include retail businesses.

(3) ‘Port facility’ means any privately owned or publicly owned facility located within this state through which product is transported by way of a waterborne ship or vehicle to or from destinations outside this state.

(4) ‘Port traffic’ means the total amount of net tons, containers, twenty-foot equivalent units (TEU’s), or dollar value of product transported by way of a waterborne ship or vehicle through a port facility.

(5) ‘Product’ means a marketable product or component of a product which has an economic value to the wholesale or retail consumer and is ready to be used without further alteration of its form or a product or material which is marketed as a prepared material or is a component in the manufacturing and assembly of other finished products.

(6) 'Qualified investment property' means all real and personal property purchased or acquired by a taxpayer for use in the construction of an additional manufacturing or telecommunications facility to be located in this state or in the expansion of an existing manufacturing or telecommunications facility located in this state, including, but not limited to, moneys expended on land acquisition, improvements, buildings, building improvements, and machinery and equipment to be used in the manufacturing or telecommunications facility. The department shall promulgate rules defining eligible manufacturing facilities, telecommunications facilities, and qualified investment property pursuant to this Code section.

(b) In the case of any business enterprise which has increased its port traffic of products during the previous 12 month period by more than 10 percent above its base year port traffic and is qualified to claim a job tax credit under Code Section 48-7-40 for jobs added at any time between January 1, 1998, and July 1, 2002, there shall be allowed a credit against the tax imposed under this article in an amount equal to the amount of job tax credit allowed under Code Section 48-7-40 to business enterprises in counties designated by the commissioner of community affairs as tier 1 counties. The tax credit described in this subsection shall be allowed subject to the conditions and limitations set forth in Code Section 48-7-40 and shall be in lieu of and not in addition to the credit allowed under Code Section 48-7-40.

(c) In the case of any business enterprise which has increased its port traffic of products during the previous 12 month period by more than 10 percent above its base year port traffic and is qualified to claim a tax credit under Code Section 48-7-40.2, 48-7-40.3, 48-7-40.4, 48-7-40.7, 48-7-40.8, or 48-7-40.9 upon qualified investment property added at any time between January 1, 1998, and July 1, 2002, there shall be allowed a credit against the tax imposed under this article in an amount equal to the applicable percentage amount otherwise allowed under Code Section 48-7-40.2 or 48-7-40.7 to business enterprises for the cost of such property. The tax credit described in this subsection shall be allowed subject to the conditions and limitations set forth in Code Section 48-7-40.2 or 48-7-40.7, as applicable, except that such property may be placed in service in any county without regard to its tier designation. Such credit shall also be in lieu of and not in addition to the credit authorized under Code Sections 48-7-40.2, 48-7-40.3, 48-7-40.4, 48-7-40.7, 48-7-40.8, and 48-7-40.9.

(d) No business enterprise shall be authorized to claim the credits provided for in both subsections (b) and (c) of this Code section on a tax return for any taxable year unless such business enterprise has increased its port traffic of products during the previous 12 month period by more than 20 percent above its base year port traffic, has increased employment by 400 or more no sooner than January 1, 1998, and has purchased or acquired qualified investment property having an aggregate cost in excess of \$20 million no sooner than January 1, 1998.

(e) The credit granted under this Code section shall be subject to the following conditions and limitations:

(1) For every year in which a taxpayer claims the credit, the taxpayer shall attach a schedule to the taxpayer's state income tax return which shall set forth the following information, as a minimum, in addition to the information required under Code Sections 48-7-40 and 48-7-40.2 or 48-7-40.7:

(A) A description of how the base year port traffic and the increase in port traffic was determined;

(B) The amount of the base year port traffic;

- (C) The amount of the increase in port traffic for the taxable year, including information which demonstrates an increase in port traffic in excess of the minimum amount required to claim the tax credit under this Code section;
- (D) Any tax credit utilized by the taxpayer in prior years;
- (E) The amount of tax credit carried over from prior years;
- (F) The amount of tax credit utilized by the taxpayer in the current taxable year; and
- (G) The amount of tax credit to be carried over to subsequent tax years.
- (2)(A) Any tax credit claimed under subsection (b) of this Code section but not used in any taxable year may be carried forward for ten years from the close of the taxable year in which the qualified jobs were established, provided that the jobs added and the increase in port traffic remain above the minimum levels established in Code Section 48-7-40 and this Code section, respectively.
- (B) Any tax credit claimed under subsection (c) of this Code section in lieu of Code Section 48-7-40.2 but not used in any taxable year may be carried forward for ten years from the close of the taxable year in which the qualified investment property was acquired, provided that the increase in port traffic remains above the minimum level established in this Code section and the qualified investment property remains in service.
- (3)(A) The tax credit established by this Code section in lieu of Code Section 48-7-40.7 and taken in any one taxable year shall be limited to an amount not greater than 90 percent of the taxpayer's state income tax liability which is attributable to income derived from operations in this state for that taxable year.
- (B) The tax credit established by this Code section in lieu of Code Section 48-7-40.2 and taken in any one taxable year shall be limited to an amount not greater than 50 percent of the taxpayer's state income tax liability which is attributable to income derived from operations in this state for that taxable year.
- (C) The sale, merger, acquisition, or bankruptcy of any taxpayer shall not create new eligibility for any succeeding taxpayer, but any unused credit may be transferred and continued by any transferee of the taxpayer."

SECTION 2.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 1998.

SECTION 3.

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

Senators Hill of the 4th and Starr of the 44th offered the following amendment:

Amend the Senate Finance and Public Utilities Committee substitute to HB 1667 by striking the period at the end of line 4 of page 3 and inserting in its place the following:

"; provided, however, such credit shall not be allowed during a year if the port traffic does not remain above the minimum level established in this Code section."

By striking "provided that the jobs added and the increase in port traffic remain" and inserting in its place "provided that the increase in port traffic remains" on lines 21 and 22 of page 4.

By striking "Section 48-7-40.2" and inserting in its place "Section 48-7-40.2, 48-7-40.3, or 48-7-40.4" on line 26 of page 4.

By striking lines 34 through 39 of page 4 and inserting in their place the following:

"(3)(A) Any tax credit claimed under subsection (c) of this Code section in lieu of Code Section 48-7-40.7, 48-7-40.8, or 48-7-40.9 shall be allowed for the ensuing ten taxable years following the taxable year the qualified investment property was first placed in service, provided that the increase in port traffic remains above the minimum level established in this Code section and the qualified investment property remains in service."

By striking "Section 48-7-40.2" and inserting in its place "Section 48-7-40.2, 48-7-40.3, or 48-7-40.4" on line 41 of page 4.

On the adoption of the amendment, the yeas were 37, nays 0, and the Hill, Starr amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 34, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	N James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 53, nays 1.

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

HB 1433. By Representatives Royal of the 164th, Shanahan of the 10th, Smith of the 12th and others:

A bill to amend Code Section 48-8-121 of the Official Code of Georgia Annotated, relating to use of proceeds, issuance of certain debt, and audit reporting requirements applicable to special county 1 percent sales and use tax, so as to

change the provisions relating to the contents of the required audit report schedule.

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Senator Dean of the 31st asked unanimous consent that HB 1433 be dropped to the bottom of the Calendar. The consent was granted.

Senator Cagle of the 49th moved that the following bill, having been placed on the Table on March 2, 1998, be taken from the Table.

HB 1394. By Representatives Channell of the 111th, Rogers of the 20th, Reichert of the 126th and others:

A bill to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to registration, operation, and sale of watercraft, so as to provide for certain age limitations on the operation of certain vessels; to change certain provisions relating to personal watercraft.

On the motion, the yeas were 29, nays 7; the motion prevailed, and HB 1394 was removed from the Table and placed at the bottom of the Calendar.

The Calendar was resumed.

HB 1522. By Representatives Martin of the 47th, Allen of the 117th and Crawford of the 129th:

A bill to amend Article 3 of Chapter 6 of Title 48 of the Official Code of Georgia Annotated, relating to intangible recording tax, so as to provide that, in all counties, the person responsible for the collection of the intangible recording tax and the performance of the other related duties shall be the clerk of the superior court.

Senate Sponsor: Senator Egan of the 40th.

The Senate Committee on Finance and Public Utilities offered the following amendment: Amend HB 1522 on line 31 of page 1 by striking the following:

“July 1, 1998”,

and inserting in lieu thereof the following:

“January 1, 1999”

On the adoption of the amendment, the yeas were 32, nays 0, and the amendment was adopted.

The report of the committee, which was favorable to the passage of the bill as amended, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Cagle	Y Glanton
Y Balfour	Y Cheeks	Y Gochenour
Y Blitch	EX Clay	Y Griffin
Y Boshears	Y Crofts	Y Guhl
Y Bowen	Y Dean	Y Harbison
Y Broun, 46th	Y Egan	Y Henson
Y Brown, 26th	Y Fort	Hill
Y Brush	Y Gillis	Y Hooks
Y Burton		Y Huggins

Y James	Y Oliver	Y Stokes
Y Johnson,D	Y Perdue	Y Streat
Y Johnson,E	Y Price,R	Y Tanksley
Y Kemp	Y Price,T	Y Taylor
Y Lamutt	Y Ragan	Y Thomas,D
Y Land	Y Ralston	Y Thomas,N
Y Langford	Ray	Y Thompson
Y Madden	Y Roberts	Y Turner
Y Marable	Y Scott	Y Tysinger
Y Middleton	Y Starr	Walker

On the passage of the bill, the yeas were 51, nays 0.

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

HB 1656. By Representatives Skipper of the 137th, Royal of the 164th, O'Neal of the 75th and others:

A bill to amend Article 1 of Chapter 8 of Title 48 of the Official Code of Georgia Annotated, relating to state sales and use tax, so as to provide for an exemption with respect to sales of blood glucose level measuring strips; to provide for an exemption for the sale of certain eligible food and beverages to and by member councils of the Girl Scouts of the U.S.A. or the Boy Scouts of America.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
EX Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Y Perdue	

On the passage of the bill, the yeas were 52, nays 0.

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

HB 1440. By Representatives Sauder of the 29th, Channell of the 111th, Walker of the 141st and others:

A bill to amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, the "Georgia Medical Assistance Act of 1977," so as to prevent certain errors from constituting abuse; to change the provisions regarding seizure of property subject to such forfeiture and provide for bonding requirements.

Senate Sponsor: Senator Johnson of the 1st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blicht	Y	Harbison	Y	Ragan
Y	Boshears		Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D		Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
EX	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean	Y	Langford		Thomas,N
	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 48, nays 0.

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

The following bill, having been read the third time on March 2, 1998 and Tabled, and taken from the Table earlier today, was put upon its passage:

HB 1394. By Representatives Channell of the 111th, Rogers of the 20th, Reichert of the 126th and others:

A bill to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to registration, operation, and sale of watercraft, so as to provide for certain age limitations on the operation of certain vessels; to change certain provisions relating to personal watercraft.

Senate Sponsor: Senator Cagle of the 49th.

The Senate Natural Resources Committee offered the following substitute to HB 1394:

A BILL

To be entitled an Act to amend Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to registration, operation, and sale of watercraft, so as to provide for certain age limitations on the operation of certain

vessels; to change certain provisions relating to personal watercraft; to provide for uniform restrictions on the speed of operation of vessels near moored or anchored vessels, any vessel adrift, wharfs, docks, swimmers, public use areas, or similar obstructions; to provide for notification to law enforcement officials by medical service providers of treatment of boating accident victims under certain circumstances and for release of such information to such officials; to provide for detainment of boats involved in accidents where necessary for evidentiary purposes; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 1 of Chapter 7 of Title 52 of the Official Code of Georgia Annotated, relating to general provisions relative to registration, operation, and sale of watercraft, is amended by striking in its entirety Code Section 52-7-8.2, relating to restrictions on operation of personal watercraft, and inserting in lieu thereof a new Code Section 52-7-8.2 to read as follows:

“52-7-8.2.

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

(1) ‘Accompanied by’ means in the physical presence within the vessel of a person who is not under the influence of alcohol or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel.

~~(1)~~(2) ‘Class A vessel’ means a boat less than 16 feet in length.

~~(2)~~(3) ‘Personal watercraft’ means a Class A vessel which:

(A) Has an outboard motor or which has an inboard motor which uses an internal combustion engine powering a water jet pump as its primary source of motive propulsion;

(B) Is designed with the concept that the operator and passenger ride on the outside surfaces of the vessel as opposed to riding inside the vessel; and

(C) Has the probability that the operator and passenger may, in the normal course of use, fall overboard.

Such term includes, without limitation, any vessel where the operator and passenger ride on the outside surfaces of the vessel, even if the primary source of motive propulsion is a propeller, and any vessels commonly known as a ‘jet ski.’

(4) ‘Under the direct supervision’ means within sight of and within 400 yards of a person who is not under the influence of alcohol or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel and who is aware of his or her supervisory responsibility.

(b) No person shall operate or give permission to operate personal watercraft on the waters of this state unless each person aboard such personal watercraft is wearing a United States Coast Guard approved personal flotation device, Type I, Type II, Type III, or Type V. Each such personal flotation device must be properly fastened, in good and serviceable condition, and the proper size for the person wearing it.

(c) No person shall rent, lease, or let for hire a personal watercraft to any person under the age of 16 years; ~~provided, however, that personal watercraft may be rented, leased, or let to a person age 12 through 15 years if such person is accompanied by and under the direct supervision of an adult 18 years of age or older. Such person~~

~~shall be under direct supervision if he or she is within sight or hearing distance of the adult.~~

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(d) No person shall operate a personal watercraft on the waters of this state after sunset or before sunrise; unless, such person is engaged in the enforcement of the laws of this state or this nation.

(e) No person shall operate a personal watercraft on the waters of this state unless such personal watercraft is equipped with a self-circling device or a lanyard-type engine cutoff switch.

(f) No person shall operate on the waters of this state a personal watercraft which has been equipped by the manufacturer with a lanyard-type engine cutoff switch unless the lanyard and the switch are operational and unless the lanyard is attached to the operator, the operator's clothing, or a personal flotation device worn by the operator.

(g) No person shall operate on the waters of this state a personal watercraft which has been equipped by the manufacturer with a self-circling device if the self-circling device or the engine throttle has been altered in any way that would prohibit the self-circling device from operating in its intended manner.

(h) It shall be unlawful for any person who owns a personal watercraft or who has charge over or control of a personal watercraft to authorize or knowingly to permit such personal watercraft to be operated in violation of this Code section or of Code Section 52-7-8.3.

(i) The provisions of this Code section shall not apply to vessels engaged in any activity authorized under Code Section 52-7-19.

(j) No person shall operate a personal watercraft on the waters of this state ~~in excess of five miles per hour~~ at a speed greater than idle speed within 100 feet of any moored or anchored vessel, any vessel adrift, or any shore, wharf, dock, pier, piling, bridge structure or abutment, or a person in the water, or shoreline adjacent to a full-time or part-time residence, public park, public beach, public swimming area, marina, restaurant, or other public use area.

(k) It shall be unlawful for any person to operate a personal watercraft on the waters of this state while towing a person or persons on water skis, aquaplanes, surfboards, tubes, or any similar device; provided, however, that the provisions of this subsection shall not apply to any personal watercraft designed by the manufacturer to carry three or more persons, provided that such personal watercraft has on board a competent observer in addition to the operator at any time that a person is being towed.

(l) On and after June 1, 1995, no person under the age of 16 years shall operate a personal watercraft on the waters of this state; provided, however, that a person age 12 through 15 years may operate a personal watercraft if he or she is accompanied by an adult age 18 or over or he or she has successfully completed a personal watercraft safety program approved by the department; if an adult 18 years of age or older is aboard the vessel and such adult is not in violation of the provisions of Code Section 52-7-12, relating to the operation of vessels and other devices under the influence of alcohol or drugs, or if he or she is under the direct supervision of an adult 18 years of age or older who is not under the influence of alcohol or drugs as provided in Code Section 52-7-12. Such person shall be under direct supervision if he or she is within sight or hearing distance of the adult and is under direct supervision by an adult age 18 or over. The department may, but shall not be required to, conduct or provide personal watercraft safety courses to the public.

(m) On and after July 1, 1995, it shall be unlawful for any person to cause or knowingly permit such person's child or ward who is less than 12 years of age or the child or ward of another over whom such person has a permanent or temporary responsibility of supervision if such child or ward is less than 12 years of age to operate a personal watercraft.

(n) It shall be unlawful for any person to cause or knowingly permit such person's child or ward who is age 12 through 15 years or the child or ward of another over whom such person has a permanent or temporary responsibility of supervision if such child or ward is age 12 through 15 years to operate a personal watercraft other than in compliance with the provisions of subsection (l) of this Code section unless such child or ward has either successfully completed a personal watercraft safety program approved by the department, is accompanied aboard the vessel by an adult 18 years of age or older who is not in violation of the provisions of Code Section 52-7-12, relating to the operation of vessels and other devices under the influence of alcohol or drugs, or is under the direct supervision of an adult 18 years of age or older who is not under the influence of alcohol or drugs as provided in Code Section 52-7-12. The department may, but shall not be required to, conduct or provide personal watercraft safety courses to the public.

SECTION 2.

Said article is further amended by inserting a new Code Section 52-7-8.3 to read as follows:

"52-7-8.3.

(a) No person age 16 or over shall operate any vessel or personal watercraft on any of the waters of this state unless such person shall have in such vessel proper identification.

(b) No person under the age of 16 shall operate any vessel other than a personal watercraft or nonmotorized Class A vessel on any of the waters of this state unless such person:

- (1) Is accompanied by an adult age 18 or over who is authorized to operate such vessel under the provisions of subsection (a) of this Code section;
- (2) Has completed a safe boating course approved by the department and is under direct supervision by an adult age 18 or over; or
- (3) Is operating a Class A vessel utilizing mechanical means of propulsion of ten horsepower or less and has completed a safe boating course approved by the department.

(c) No person under the age of 12 shall operate any Class 1, 2, or 3 vessel or any personal watercraft on any of the waters of this state, and no such person shall operate any Class A vessel utilizing mechanical means of propulsion exceeding 30 horsepower. Such person may operate a Class A vessel, other than a personal watercraft, utilizing mechanical means of propulsion not exceeding 30 horsepower only where such person is accompanied by an adult age 18 or over who is authorized to operate such vessel under the provisions of subsection (a) of this Code section.

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

- (1) 'Accompanied by' means in the physical presence within the vessel of a person who is not under the influence of alcohol or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel.

(2) 'Proper identification' shall have the same meaning as in subsection (d) of Code Section 3-3-23, relating to furnishing of alcoholic beverages.

(3) 'Under the direct supervision' means within sight of and within 400 yards of a person who is not under the influence of alcohol or drugs to a degree which would constitute a violation of Code Section 52-7-12 were such person operating the vessel and who is aware of his or her supervisory responsibility.

(e) No person having ownership or control of a vessel shall permit another person to operate such vessel in violation of this Code section."

SECTION 3.

Said article is further amended by adding after paragraph (3) of subsection (c) of Code Section 52-7-14, relating to collisions, accidents, and casualties, a new paragraph (4) to read as follows:

"(4)(A) As used in this paragraph, the term 'medical facility' means any licensed general or specialized hospital, institutional infirmary, public health center, or diagnostic and treatment center. The term also includes, without being limited to, any building or facility, not under the operation or control of a hospital, which is primarily devoted to the provision of surgical treatment to patients not requiring hospitalization and which is classified by the Department of Human Resources as an ambulatory surgical treatment center.

(B) Any:

(i) Physician, including any doctor of medicine licensed to practice under the laws of this state;

(ii) Licensed registered nurse employed by a medical facility;

(iii) Security personnel employed by a medical facility; or

(iv) Other personnel employed by a medical facility whose employment duties involve the care and treatment of patients therein

having cause to believe that a patient has had physical injury or injuries inflicted upon him or her as a result of a reportable boating accident shall report or cause reports to be made in accordance with this paragraph.

(C) An oral report shall be made immediately by telephone or otherwise and shall be followed by a report in writing, if requested, to the person in charge of the medical facility or his or her designated delegate. The person in charge of the medical facility or his or her designated delegate shall then notify the local law enforcement agency having primary jurisdiction in the area in which the medical facility is located of the contents of the report. The report shall contain the name and address of the patient, the nature and extent of the patient's injuries, and any other information that the reporting person believes might be helpful in establishing the cause of the injuries and the identity of the perpetrator.

(D) Notwithstanding any other provision of law, copies of medical records relating to the treatment of such patient shall be furnished to the investigatory law enforcement officer of the department, or any local, state or federal law enforcement agency upon receipt of a written request or subpoena issued by such law enforcement agency or the prosecuting attorney having jurisdiction over such accident.

(E) Any person or persons participating in the making of a report or causing a report to be made to the appropriate police authority pursuant to this paragraph or participating in any judicial proceeding or any other proceeding resulting there-

from shall in so doing be immune from any civil liability that might otherwise be incurred or imposed, providing such participation pursuant to this paragraph shall be in good faith.”

SECTION 4.

Said article is further amended by adding at the end of said Code Section 52-7-14 a new subsection (e) to read as follows:

“(e) Official authority. Any officer empowered to enforce this article shall have the authority to stop, board, and detain any vessel involved in a reportable boating accident and to continue the detention of such vessel if necessary for evidentiary purposes for such reasonable period of time as such necessity continues.”

SECTION 5.

Said article is further amended by adding at the end of Code Section 52-7-17, relating to speed and load restrictions, a new subsection (d) to read as follows:

“(d) No vessel shall be operated at a speed greater than is reasonable and prudent under the conditions, and such vessel’s operator shall have regard for the actual and potential hazards then existing.”

SECTION 6.

Said article is further amended by adding after subsection (e) of Code Section 52-7-18, relating to rules of the road for boat traffic, new subsections (f), (g), (h), and (i) to read as follows:

“(f) No person shall operate any vessel or tow a person or persons on water skis, an aquaplane, a surfboard, or any similar device on the waters of this state at a speed greater than idle speed within 100 feet of any moored or anchored vessel, any vessel adrift, or any wharf, dock, pier, piling, bridge structure or abutment, person in the water, or shoreline adjacent to a full-time or part-time residence, public park, public beach, public swimming area, marina, restaurant, or other public use area. This subsection shall not be interpreted to prohibit any person from initiating waterskiing from any wharf, dock, or pier owned by such person or used by such person with the permission of the owner of said wharf, dock, or pier.

(g) No vessel shall run around or within 100 feet of another vessel at a speed greater than idle speed unless such vessel is overtaking or meeting such other vessel in compliance with the rules of the road for vessel traffic.

(h) No vessel shall be operated in such a manner as to ride or jump the wake of another vessel within 100 feet of such other vessel unless the vessel is overtaking or meeting such other vessel in compliance with the rules of the road for vessel traffic and, having passed or overtaken such other vessel, the operator of the passing or overtaking vessel shall not change or reverse course for the purpose of riding or jumping the wake of such other vessel within 100 feet of such other vessel.

(i) Subsections (f), (g), and (h) of this Code section shall not apply to ocean-going ships or to tugboats or other powered vessels which are assisting ocean-going ships during transit or during docking or undocking maneuvers.”

SECTION 7.

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

Senators Cagle of the 49th, Madden of the 47th and Ray of the 48th offered the following amendment #1:

Amend the committee substitute to HB 1394 by striking line 22 on page 4 and inserting in lieu thereof the following:

~~“is within sight or hearing distance of the adult or is”~~

By striking line 24 on page 5 and inserting in lieu thereof the following:

“department or is under direct supervision by an adult”

By striking lines 27 and 28 on page 8 and inserting in lieu thereof the following:

“greater than idle speed within 100 feet of any vessel which is moored, anchored, or adrift outside normal traffic channels, or any wharf, dock,”

By striking line 36 on page 8 and inserting in lieu thereof the following:

“permission of the owner of said wharf, dock, or pier nor shall it be interpreted to prohibit the immediate return of a tow vessel to a downed water skier.”

Senator Land of the 16th offered the following amendment #2:

Amend the Cagle, et al. amendment (26 0257) by striking lines 3 through 8 of the amendment and inserting in its place the following:

“Amend the committee substitute to HB 1394 by placing a period after department on p. 4, line 13.

By deleting on p.4, on line 22: “and is”

By deleting on p.4, lines 23 through 25.

Senator Land of the 16th asked unanimous consent that his amendment be withdrawn. The consent was granted and the amendment was withdrawn.

On the adoption of the amendment (26 0257), the yeas were 35, nays 0, and the Cagle, et al. amendment to the committee substitute was adopted.

Senators Ray of the 48th, Madden of the 47th and Cagle of the 49th offered the following amendment #2:

Amend the committee substitute to HB 1394 by inserting the words “or terminating” on line 34, page 8 between the words “initiating” and “waterskiing”

On the adoption of the amendment, the yeas were 33, nays 0, and the Ray, et al. amendment #2 was adopted.

Senator Johnson of the 1st offered the following amendment #3:

Amend the committee substitute to HB 1394 by on page 3, line 130 remove “or shore-line adjacent to a full-time or part-time residence,”

On page 3, line 128, add after “adrift” and before the comma, “without the permission of the operator of the adrift vessel”

On page 9, add new subparagraph (j) below

“(j) This section shall not apply to the saltwater waters of the state.”

Senator Johnson of the 1st asked unanimous consent that his amendment be withdrawn. The consent was granted and amendment #3 was withdrawn.

Senators Price of the 56th and Cagle of the 49th offered the following amendment #4:

Amend the Senate Natural Resources Committee substitute to HB 1394 by adding following the period on line 31 of page 7 the following:

“Such medical records shall be handled in a manner which assures the confidentiality of such records.”

On the adoption of the amendment, the yeas were 37, nays 1, and the Price of the 56th, Cagle amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 37, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Griffin	N	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blicht	Y	Harbison	Y	Ragan
N	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush		James	N	Starr
N	Burton	N	Johnson,D	Y	Stokes
Y	Cagle	N	Johnson,E		Streat
Y	Cheeks	N	Kemp	N	Tanksley
EX	Clay	N	Lamutt	Y	Taylor
N	Crotts	Y	Land	Y	Thomas,D
N	Dean	Y	Langford	Y	Thomas,N
Y	Egan	Y	Madden	N	Thompson
Y	Fort	N	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 37, nays 14.

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

HB 1433. By Representatives Royal of the 164th, Shanahan of the 10th, Smith of the 12th and others:

A bill to amend Code Section 48-8-121 of the Official Code of Georgia Annotated, relating to use of proceeds, issuance of certain debt, and audit reporting requirements applicable to special county 1 percent sales and use tax, so as to change the provisions relating to the contents of the required audit report schedule.

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Bowen	Y	Burton
Y	Balfour	Y	Broun, 46th	Y	Cagle
Y	Blicht	Y	Brown, 26th	Y	Cheeks
Y	Boshears	Y	Brush	EX	Clay

Y Crotts	Y Johnson,D	Y Ray
Y Dean	Y Johnson,E	Y Roberts
Y Egan	Y Kemp	Y Scott
Y Fort	Y Lamutt	Y Starr
Y Gillis	Y Land	Stokes
Y Glanton	Y Langford	Streat
Y Gochenour	Y Madden	Y Tanksley
Y Griffin	Y Marable	Taylor
Y Guhl	Y Middleton	Y Thomas,D
Y Harbison	Y Oliver	Thomas,N
Y Henson	Y Perdue	Y Thompson
Hill	Y Price,R	Y Turner
Y Hooks	Y Price,T	Y Tysinger
Y Huggins	Ragan	Y Walker
Y James	Y Ralston	

On the passage of the bill, the yeas were 49, nays 0.

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

At 3:05 P.M., Senator Walker of the 22nd moved that, pursuant to HR 1165, the Senate adjourn until Thursday, March 12 at 11:30 A.M.; the motion prevailed.

At 3:05 P.M., the Senate adjourned.

Senate Chamber, Atlanta, Georgia
Thursday, March 12, 1998
Thirty-sixth Legislative Day

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The Senate met pursuant to adjournment at 11:30 A.M. today and was called to order by the President.

Senator Huggins of the 53rd reported that the Journal of Tuesday, March 10, 1998 proceedings had been read and found correct.

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

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

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

HB 1835. By Representatives Golden of the 177th, Reaves of the 178th and Shaw of the 176th:

A bill to amend an Act providing a new charter for the City of Valdosta, so as to redefine the corporate limits.

HB 1863. By Representative Ponder of the 160th:

A bill to amend an Act incorporating the City of Donalsonville, so as to provide for changes in the boundaries of the city council districts.

HB 1873. By Representative Greene of the 158th:

A bill to provide a new charter for the City of Fort Gaines.

HB 1874. By Representatives Coleman of the 80th, Breedlove of the 85th, Bannister of the 77th and others:

A bill to change the manner by which vacancies are filled and new members are appointed to the board of the Hospital Authority of Gwinnett County.

SB 676. By Senators Cheeks of the 23rd and Gillis of the 20th:

A bill to amend an Act incorporating the City of Stapleton (formerly the Town of Spread), as amended, so as to change the corporate limits of the city.

SB 685. By Senator Blitch of the 7th:

A bill to provide for the compensation of the board of education of Clinch County; to provide an effective date.

SB 687. By Senators Guhl of the 45th and Crotts of the 17th:

A bill to create a board of elections and registration for Newton County and provide for its powers and duties; to provide for the composition of the board and the appointment, qualification, and terms of its members; to provide for resignation, succession, and removal of members and for filling vacancies; to provide for oaths and privileges; to provide for effective dates.

SB 695. By Senator Starr of the 44th:

A bill to amend an Act entitled "An Act to provide a new charter for the City of Lake City" so as to change the corporate boundaries of said city.

SB 483. By Senator Broun of the 46th:

A bill to amend an Act providing a supplement to the salary of the judges of the superior courts of the Western Judicial Circuit, as amended, so as to change the supplementary compensation for the judges of the superior courts of the Western Judicial Circuit by the governing authority of the Unified Government of Athens-Clarke County and the governing authority of Oconee County.

SB 55. By Senators Thomas of the 10th, Griffin of the 25th, Johnson of the 2nd and others:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relative to insurance generally, so as to require individual and group health insurance policies, group health plans or policies, and all other forms of managed or capitated care plans or policies to provide insurance coverage for diabetes outpatient self-management training and diabetes equipment and supplies.

SB 411. By Senators Burton of the 5th, Tysinger of the 41st, Ray of the 48th and others:

A bill to amend Article 3 of Chapter 4 of Title 17 of the Official Code of Georgia Annotated, relating to warrants for arrest, so as to provide for hearing of applications for arrest by electronic or telephonic means in certain circumstances; to provide for related matters; to provide an effective date.

SB 592. By Senators Harbison of the 15th, Brush of the 24th and Johnson of the 2nd:

A bill to amend Code Section 34-9-260 of the Official Code of Georgia Annotated, relating to the basis for computing workers' compensation, so as to change the basis for computing the average weekly wage of certain members of the Georgia National Guard; to amend Code Section 45-9-81 of the Official Code of Georgia Annotated, relating to definitions regarding the indemnification of certain law enforcement officers, so as to include certain members of the Georgia National Guard and firemen.

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

SB 421. By Senators Perdue of the 18th, Marable of the 52nd, Madden of the 47th and others:

A bill to amend Article 1 of Chapter 11 of Title 15 of the Official Code of Georgia Annotated, relating to juvenile court proceedings, so as to define a term; to limit access to juvenile fingerprint records to the administration of criminal justice; to require that all children charged with acts which would be a felony if committed by an adult be fingerprinted and photographed; to authorize fingerprinting a juvenile if latent fingerprints are found at a crime scene under certain circumstances.

The House has agreed to the Senate substitutes to the following bills of the House:

HB 1387. By Representative Randall of the 127th:

A bill to amend Code Section 49-4-153 of the Official Code of Georgia Annotated, relating to administrative hearings and appeals under the "Georgia Medical Assistance Act of 1977," so as to change the provisions relating to request for hearings by providers of medical assistance.

HB 1294. By Representatives Powell of the 23rd and Hudson of the 156th:

A bill to amend Chapter 17 of Title 48 of the Official Code of Georgia Annotated, relating to coin operated amusement machines, so as to redefine a term used in such chapter; to correct a cross reference; to change the provisions relating to the display of stickers issued for coin operated amusement machines.

HB 1263. By Representative Powell of the 23rd:

A bill to amend Chapter 39A of Title 43 of the Official Code of Georgia Annotated, known as the "Real Estate Appraiser Classification and Regulation Act," so as to change certain time periods within which real estate appraisers are required to take certain actions.

HB 1354. By Representatives Parrish of the 144th, Stallings of the 100th, Thomas of the 148th and others:

A bill to amend Chapter 1 of Title 7 of the Official Code of Georgia Annotated, relating to financial institutions, so as to provide for definitions; to provide for regulatory parity; to provide for confidentiality of departmental records and exceptions; to provide for rule-making authority.

The House has agreed to the Senate amendment to the following bill of the House:

HB 1299. By Representatives Powell of the 23rd and Parham of the 122nd:

A bill to amend Chapter 13 of Title 43 of the Official Code of Georgia Annotated, relating to instructors in driver training and operators of driver training schools, so as to change certain provisions relating to exceptions from operation of chapter.

The House has disagreed to the Senate amendments to the following bills of the House:

HB 95. By Representatives Coleman of the 142nd, Murphy of the 18th, Hudson of the 156th and others:

A bill to amend Article 1 of Chapter 2 of Title 46 of the Official Code of Georgia Annotated, relating to organization and membership of the Public Service Commission, so as to change the provisions relating to the election of the members of the commission; to provide for Public Service Commission Districts in which members must reside, provided that such members are elected state wide by the qualified voters of this state.

HB 761. By Representatives Davis of the 48th and Orrock of the 56th:

A bill to amend Article 5 of Chapter 12 of Title 50 of the Official Code of Georgia Annotated, relating to the Georgia Commission on Women, so as to clarify certain powers and provide for others.

The following bills were introduced, read the first time and referred to committee:

SR 738. By Senator Streat of the 19th:

A resolution creating the Senate Advisory Committee on Interagency Collaboration in Services for Coffee County.
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Referred to Committee on Rules.

SR 761. By Senators Gochenour of the 27th, Glanton of the 34th and Clay of the 37th:

A resolution urging the United States Congress to pass and submit to the state legislatures an amendment to the United States constitution to allow the freedom of religion in public places.

Referred to Committee on Rules.

The following bills were read the first time and referred to committee:

HB 1835. By Representatives Golden of the 177th, Reaves of the 178th and Shaw of the 176th:

A bill to amend an Act providing a new charter for the City of Valdosta, so as to redefine the corporate limits.

Referred to Committee on State and Local Governmental Operations.

HB 1863. By Representative Ponder of the 160th:

A bill to amend an Act incorporating the City of Donalsonville, so as to provide for changes in the boundaries of the city council districts.

Referred to Committee on State and Local Governmental Operations.

HB 1873. By Representative Greene of the 158th:

A bill to provide a new charter for the City of Fort Gaines.

Referred to Committee on State and Local Governmental Operations.

HB 1874. By Representatives Coleman of the 80th, Breedlove of the 85th, Bannister of the 77th and others:

A bill to change the manner by which vacancies are filled and new members are appointed to the board of the Hospital Authority of Gwinnett County.

Referred to Committee on State and Local Governmental Operations.

The following committee reports were read by the Secretary:

Mr. President:

The Committee on Appropriations has had under consideration the following bill and resolutions of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1250. Do pass by substitute.	HR 788. Do pass.
HR 733. Do pass.	HR 789. Do pass.
HR 956. Do pass.	HR 790. Do pass.
HR 782. Do pass.	HR 837. Do pass.
HR 783. Do pass.	HR 861. Do pass.
HR 784. Do pass.	HR 866. Do pass.
HR 785. Do pass.	HR 1024. Do pass.
HR 786. Do pass.	HR 1055. Do pass.
HR 787. Do pass.	HR 1142. Do pass as amended.

Respectfully submitted,

Senator Hooks of the 14th District, Chairman

Mr. President:

The Committee on Consumer Affairs has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1420. Do pass by substitute.	HB 1576. Do pass by substitute.
HB 1683. Do pass.	

Respectfully submitted,

Senator Henson of the 55th District, Chairman

Mr. President:

The Committee on Education has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 244. Do pass as amended.	HB 1183. Do pass by substitute.
HB 353. Do pass by substitute.	HB 1273. Do pass.
HB 409. Do pass by substitute.	HB 1654. Do pass.

Respectfully submitted,

Senator Marable of the 52nd District, Chairman

Mr. President:

The Committee on Finance and Public Utilities has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 155. Do pass.	HB 1464. Do pass.
HB 674. Do pass by substitute.	HB 1660. Do pass.
HB 1161. Do pass.	HB 1784. Do pass.
HB 1437. Do pass.	

Respectfully submitted,

Senator Starr of the 44th District, Chairman

Mr. President:

The Committee on Health and Human Services has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 274. Do pass by substitute. HB 1641. Do pass by substitute.
 HB 1435. Do pass by substitute.

Respectfully submitted,

Senator Middleton of the 50th District, Chairman

Mr. President:

The Committee on Higher Education has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 884. Do pass by substitute.

Respectfully submitted,

Senator Hill of the 4th District, Chairman

Mr. President:

The Committee on Insurance and Labor has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 862. Do pass by substitute. HB 1327 Do pass by substitute.
 HB 1448. Do pass.

Respectfully submitted,

Senator Langford of the 29th District, Chairman

Mr. President:

The Committee on Judiciary has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1186. Do pass. HB 1316. Do pass.
 HB 1731. Do pass. HB 1693. Do pass.
 HB 1378. Do pass. HB 408. Do pass as amended.
 HB 1240. Do pass. HB 1604. Do pass by substitute.
 HB 1238. Do pass.

Respectfully submitted,

Senator Oliver of the 42nd District, Chairman

Mr. President:

The Committee on Public Safety has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1410. Do pass.

Respectfully submitted,

Senator Bowen of the 13th District, Chairman

Mr. President:

The Committee on Retirement has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1088. Do pass.

HB 661. Do pass by substitute.

HB 1103. Do pass.

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Respectfully submitted,

Senator Cheeks of the 23rd District, Chairman

Mr. President:

The Committee on Rules has had under consideration the following bill and resolutions of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

SR 543. Do pass.

HB 1664. Do pass.

SR 566. Do pass.

Respectfully submitted,

Senator Scott of the 36th District, Chairman

Mr. President:

The Committee on Science, Technology and Industry has had under consideration the following bills of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1404. Do pass.

HB 1666. Do pass.

HB 300. Do pass as amended.

Respectfully submitted,

Senator Tysinger of the 41st District, Chairman

Mr. President:

The Committee on State and Local Governmental Operations has had under consideration the following bills of the Senate and House and has instructed me to report the same back to the Senate with the following recommendations:

HB 1603. Do pass by substitute.

HB 1826. Do pass.

SB 9. Do pass by substitute.

HB 1827. Do pass.

SB 49. Do pass by substitute.

HB 1828. Do pass.

Respectfully submitted,

Senator Thomas of the 10th District, Chairman

Mr. President:

The Committee on Transportation has had under consideration the following bills and resolutions of the House and has instructed me to report the same back to the Senate with the following recommendations:

HB 978. Do pass by substitute.

HR 1054. Do pass.

HB 1486. Do pass.

HR 1064. Do pass.

HB 1747. Do pass.

HR 1097. Do pass.

HB 1430. Do pass by substitute.

HR 1101. Do pass.

HR 847. Do pass.

HR 1102. Do pass.

HR 994. Do pass.

HR 1106. Do pass by substitute.

HR 1029. Do pass.

HR 1154. Do pass.

HR 1034. Do pass.

Respectfully submitted,

Senator Thompson of the 33rd District, Chairman

Mr. President:

The Committee on Youth, Aging and Human Ecology has had under consideration the following bill of the House and has instructed me to report the same back to the Senate with the following recommendation:

HB 1621. Do pass.

Respectfully submitted,

Senator Kemp of the 3rd District, Chairman

The following bills and resolutions were read the second time:

SB 678	HB 32	HB 155	HB 244	HB 274	HB 300
HB 353	HB 396	HB 408	HB 409	HB 458	HB 661
HB 674	HB 862	HB 884	HB 946	HB 978	HB 1088
HB 1103	HB 1126	HB 1161	HB 1183	HB 1186	HB 1202
HB 1238	HB 1240	HB 1250	HB 1273	HB 1274	HB 1316
HB 1327	HB 1364	HB 1373	HB 1378	HB 1392	HB 1404
HB 1410	HB 1420	HB 1430	HB 1432	HB 1435	HB 1437
HB 1441	HB 1448	HB 1452	HB 1464	HB 1485	HB 1486
HB 1499	HB 1511	HB 1540	HB 1550	HB 1576	HB 1578
HB 1603	HB 1604	HB 1621	HB 1640	HB 1641	HB 1642
HB 1654	HB 1660	HB 1664	HB 1666	HB 1674	HB 1683
HB 1687	HB 1693	HB 1696	HB 1707	HB 1731	HB 1747
HB 1784	HR 733	HR 782	HR 783	HR 784	HR 785
HR 786	HR 787	HR 788	HR 789	HR 790	HR 837
HR 847	HR 861	HR 866	HR 956	HR 994	HR 1002
HR 1024	HR 1029	HR 1034	HR 1054	HR 1055	HR 1064
HR 1097	HR 1101	HR 1102	HR 1106	HR 1142	HR 1154
HR 1155					

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

The President Pro Tempore called for the morning roll call, and the following Senators answered to their names:

Balfour	Guhl	Price,T
Blitch	Harbison	Ragan
Boshears	Henson	Ralston
Bowen	Hooks	Ray
Broun, 46th	Huggins	Roberts
Brown, 26th	James	Scott
Brush	Johnson,D	Starr
Burton	Johnson,E	Stokes
Cheeks	Kemp	Streat
Clay	Lamutt	Tanksley
Crotts	Land	Thomas,D
Dean	Langford	Thomas,N
Egan	Madden	Thompson
Fort	Marable	Turner
Gillis	Middleton	Tysinger
Gochenour	Oliver	
Griffin	Price,R	

Those not answering were:

Abernathy	Hill	Walker
Cagle	Perdue(PRS)	
Glanton	Taylor	

The President resumed the Chair.

The President led the Senators in the Pledge of Allegiance to the Flag of the United States of America.

Senator Guhl of the 45th introduced the chaplain of the day, Mr. James Scott Berry of Covington, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

- SR 741. By Senators Johnson of the 1st, Perdue of the 18th and Walker of the 22nd:
A resolution commending Kids Voting Georgia.
- SR 742. By Senator Hill of the 4th:
A resolution recognizing and commending Evans Memorial Hospital on its 30th Anniversary.
- SR 743. By Senator Hill of the 4th:
A resolution expressing regret at the passing of James C. (Jim) Daniel.
- SR 744. By Senator Hill of the 4th:
A resolution expressing sympathy at the passing of Lura Evans Avret.
- SR 745. By Senator Hill of the 4th:
A resolution recognizing and commending the Reverend John R. Joyner.
- SR 746. By Senator Hill of the 4th:
A resolution in remembrance of Waymon Moody.
- SR 747. By Senator Hill of the 4th:
A resolution expressing sympathy at the passing of Richard F. "Buddy" Roberts.
- SR 748. By Senator Hill of the 4th:
A resolution paying tribute to Albert Parker.
- SR 749. By Senator Thompson of the 33rd:
A resolution commending KALEIDOSCOPE '98.
- SR 750. By Senator Broun of the 46th:
A resolution commending the University of Georgia/Athens-Clarke County Chapter of the Young Democrats of Georgia.
- SR 751. By Senator Ragan of the 11th:
A resolution commending the Georgia Coalition for Nutrition Education.
- SR 752. By Senator Ragan of the 11th:
A resolution commending the Seminole County High School basketball team.
- SR 753. By Senator Griffin of the 25th:

A resolution recognizing and commending the Putnam County High School Lady Eagles basketball team.

SR 754. By Senator Stokes of the 43rd:

A resolution recognizing Ronald D. Brown and Sales Technologies, Inc.

SR 755. By Senator Perdue of the 18th:

A resolution recognizing and commending Honorable Lawrence L. Bennett.

SR 756. By Senator Gochenour of the 27th:

A resolution commending Dan Pitts.

SR 757. By Senators Price of the 56th and Egan of the 40th:

A resolution recognizing and commending Gwynne T. Brunt, Jr., M.D.

SR 759. By Senators Johnson of the 1st and Johnson of the 2nd:

A resolution congratulating and commending the Savannah High School Blue Jacketmen's basketball team.

SR 760. By Senator Streat of the 19th:

A resolution commending the Douglas, Georgia, WalMart Fleet Dispatch Center and WalMart Distribution Center.

SR 762. By Senators Perdue of the 18th and Hill of the 4th:

A resolution commending Hilda Bailey Green.

The following message was received from the House through Mr. Rivers, the Clerk thereof:

Mr. President:

The House has adopted, as amended, by the requisite constitutional majority the following resolution of the Senate:

SR 559. By Senator Thompson of the 33rd:

A resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide by general law for a roadside enhancement and beautification fund, for allocation and dedication of certain revenue to such fund, and that moneys paid into the fund shall not lapse; to provide that an Act creating the fund and making such provisions may originate in the Senate or the House of Representatives.

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

SB 526. By Senators Walker of the 22nd, Harbison of the 15th and Streat of the 19th:

A bill to amend Article 1 of Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general provisions relating to insurance generally, and to amend Code Section 33-30-23 of the Official Code of Georgia Annotated, relating to preferred provider plans, standards, payments or reimbursement for noncontracting providers of covered services under health benefit plans, and filing requirements for unlicensed entities, so as to provide a definition.

The following local, uncontested bills of the Senate and House, favorably reported by the committee as listed on the Local Consent Calendar, were put upon their passage:

SENATE LOCAL CONSENT CALENDAR

Thursday, March 12, 1998

THIRTY-SIXTH LEGISLATIVE DAY

(The names listed with each bill are the Senators whose districts are affected by the legislation.)

HB 1792 Guhl, 45th
Broun, 46th
BARROW COUNTY

A bill to amend an Act re-creating the Board of Commissioners of Barrow County, so as to change the provisions relating to the compensation of the chairperson and members of the board of commissioners.

SB 9 Walker, 22nd
Cheeks, 23rd

A bill to amend an Act entitled "An Act to provide that the governing authority of Richmond County shall be a board of commissioners consisting of a chairperson-mayor and ten members" so as to provide that the chairperson-mayor shall have a vote in matters before the board of commissioners only to make or break a tie vote or to create a majority vote of six.(SUBSTITUTE)

SB 49 Walker, 22nd
Cheeks, 23rd
RICHMOND COUNTY

A bill to amend an Act entitled "An Act to provide that the governing authority of Richmond County shall be a board of commissioners consisting of a chairperson-mayor and ten members" so as to provide that the chairperson-mayor shall have a vote in all matters before the board of commissioners; to provide a referendum.(SUBSTITUTE)

HB 1826 Kemp, 3rd
LIBERTY COUNTY

A bill to provide a homestead exemption from Liberty County ad valorem taxes for county purposes in the amount of \$15,000.00 of the assessed value of the homestead for certain residents of that county who are 62 years of age or over.

HB 1827 Kemp, 3rd
LIBERTY COUNTY

A bill to provide a homestead exemption from certain Liberty County ad valorem taxes for county purposes in the amount of \$5,000.00 of the assessed value of the homestead of certain residents of that county.

HB 1828 Kemp, 3rd
LIBERTY COUNTY

A bill to provide a homestead exemption from Liberty County School District ad valorem taxes for educational purposes in the amount of \$15,000.00 of the assessed value of the homestead for certain residents of that school district who are 62 years of age or over.

Pursuant to Senate Rule 113, Senator Guhl of the 45th filed the following objection:

As provided in Rule 113, We, the undersigned Senators hereby file an objection to HB 1792 which is on the Local Consent Calendar for today and hereby request that it be moved to the Senate Local Contested Calendar.

/s/A.C. "Bob" Guhl 45th

/s/Casey Cagle 49th

/s/Rick Price 28th

Pursuant to Senate Rule 113, HB 1792 was placed on the Senate Local Contested Calendar for today.

The substitute to the following bill was put upon its adoption:

* SB 9:

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 9:

A BILL

To be entitled an Act to amend an Act providing for the consolidation of the governments of Richmond County and the City of Augusta, now known as Augusta, Georgia, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to provide for the power of the mayor to veto ordinances; to provide for the override of vetoes; to provide for practices, procedures, and time limits; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for the consolidation of Richmond County and the City of Augusta, now known as Augusta, Georgia, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, is amended by striking paragraph (2) of subsection (a) of Section 4 of said Act and inserting in its place the following:

"(2) The mayor shall be empowered to veto ordinances, resolutions, or other actions of the commission as provided in Section 4.1 of this Act."

SECTION 2.

Said Act is further amended by adding after Section 4 a new Section 4.1 to read as follows:

"SECTION 4.1.

(a) Every ordinance or resolution adopted by the commission shall be presented promptly by the commission to the mayor after its adoption.

(b) The mayor, within ten calendar days of receipt of an ordinance or resolution, shall return it to the commission with or without the mayor's approval or with the mayor's disapproval. If the ordinance or resolution has been approved by the mayor, it shall become law upon its return to the commission. If the ordinance or resolution is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption. If the ordinance or resolution is disapproved, the mayor

shall submit to the commission a written statement of the reasons for the veto. The commission or such person as shall be directed to do so by the commission shall record upon the ordinance or resolution the date of its delivery to and receipt from the mayor.

(c) Ordinances or resolutions vetoed by the mayor shall be presented to the commission at the next meeting of the commission. If the commission then or at its next meeting adopts the ordinance or resolution by an affirmative vote of seven members, it shall become law.

(d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the commission over the mayor's veto as provided in this section. The reduced part or parts shall be presented to the commission as though disapproved and shall not become law unless overridden by the commission as provided in subsection (c) of this section."

SECTION 3.

This Act shall become effective on January 1, 1999.

SECTION 4.

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

On the adoption of the substitute, the yeas were 43, nays 0, and the substitute was adopted.

The substitute to the following bill was put upon its adoption:

* SB 49:

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 49:

A BILL

To be entitled an Act to amend an Act providing for the consolidation of the governments of Richmond County and the City of Augusta, now known as Augusta, Georgia, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, so as to provide for the power of the mayor to veto ordinances or resolutions; to provide for the override of vetoes; to provide for practices, procedures, and time limits; to provide for a referendum; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act providing for the consolidation of Richmond County and the City of Augusta, now known as Augusta, Georgia, approved March 27, 1995 (Ga. L. 1995, p. 3648), as amended, is amended by striking paragraph (2) of subsection (a) of Section 4 of said Act and inserting in its place the following:

"(2) The mayor shall be empowered to veto ordinances, resolutions, or other actions of the commission as provided in Section 4.1 of this Act."

SECTION 2.

Said Act is further amended by adding after Section 4 a new Section 4.1 to read as follows:

“SECTION 4.1.

- (a) Every ordinance or resolution adopted by the commission shall be presented promptly by the commission to the mayor after its adoption.
- (b) The mayor, within ten calendar days of receipt of an ordinance or resolution, shall return it to the commission with or without the mayor’s approval or with the mayor’s disapproval. If the ordinance or resolution has been approved by the mayor, it shall become law upon its return to the commission. If the ordinance or resolution is neither approved nor disapproved, it shall become law at 12:00 Noon on the tenth calendar day after its adoption. If the ordinance or resolution is disapproved, the mayor shall submit to the commission a written statement of the reasons for the veto. The commission or such person as shall be directed to do so by the commission shall record upon the ordinance or resolution the date of its delivery to and receipt from the mayor.
- (c) Ordinances or resolutions vetoed by the mayor shall be presented to the commission at the next meeting of the commission. If the commission then or at its next meeting adopts the ordinance or resolution by an affirmative vote of seven members, it shall become law.
- (d) The mayor may disapprove or reduce any item or items of appropriation in any ordinance. The approved part or parts of any ordinance making appropriations shall become law, and the part or parts disapproved shall not become law unless subsequently passed by the commission over the mayor’s veto as provided in this section. The reduced part or parts shall be presented to the commission as though disapproved and shall not become law unless overridden by the commission as provided in subsection (c) of this section.”

SECTION 3.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of the consolidated government of Augusta, Georgia, shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of the consolidated government of Augusta, Georgia, for approval or rejection. The election superintendent shall conduct that election on the Tuesday after the first Monday in November, 1999, and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Richmond County. The ballot shall have written or printed thereon the words:

- “() YES Shall the Act be approved which amends the Act creating the consolidated government of Augusta, Georgia, so as to provide for the power of the mayor to veto ordinances or resolutions and to provide for the override of vetoes?”
- () NO

All persons desiring to vote for approval of the Act shall vote “Yes,” and those persons desiring to vote for rejection of the Act shall vote “No.” If more than one-half of the votes cast on such question are for approval of the Act, Sections 1 and 2 shall become of full force and effect on January 1, 2000. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1 and 2 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by the consolidated government of Augusta, Georgia. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 4.

As required by Code Section 1-3-4.1 of the O.C.G.A., this section and Sections 3 and 5 of this Act shall become effective on January 1, 1999, for the purpose of conducting the referendum. The remaining sections of this Act shall become effective as provided in Section 3.

SECTION 5.

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

On the adoption of the substitute, the yeas were 43, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the passage of the bills as reported, was agreed to.

On the passage of the bills on the Local Consent Calendar, except HB 1792, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour		Guhl	Y	Price,T
Y Blicht	Y	Harbison	Y	Ragan
Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks		Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crofts	Y	Land		Thomas,D
Y Dean		Langford		Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort		Marable	Y	Turner
Y Gillis		Middleton		Tysinger
Glanton	Y	Oliver		Walker
Y Gochenour	Y	Perdue		

On the passage of the local bills, the yeas were 43, nays 0.

All the bills on the Local Consent Calendar, except HB 1792, SB 9 and SB 49, having received the requisite constitutional majority, were passed.

SB 9 and SB 49, having received the requisite constitutional majority, were passed by substitute.

Senator Perdue of the 18th, President Pro Tempore, assumed the Chair.

The following local, contested bill of the House, favorably reported by the committee as listed on the Local Contested Calendar, was put upon its passage:

SENATE LOCAL CONTESTED CALENDAR

www.libtool.com.cn Thursday, March 12, 1998
THIRTY-SIXTH LEGISLATIVE DAY

(The names listed with the bill are the Senators whose districts are affected by the legislation.)

HB 1792 Guhl, 45th
 Broun, 46th
 BARROW COUNTY

A bill to amend an Act re-creating the Board of Commissioners of Barrow County, so as to change the provisions relating to the compensation of the chairperson and members of the board of commissioners.

Senator Guhl of the 45th offered the following amendment:

Amend HB 1792 by striking lines 24 through 34 of page 1 and lines 1 through 18 of page 2.

By redesignating paragraphs 4 and 5 on lines 19 and 36, respectively, of page 2 as paragraphs 3 and 4, respectively.

By inserting on line 30 of page 2 immediately after the word "claimed" the following:

 ", with valid receipts for actual expenses incurred,"

By striking line 43 of page 2 and inserting in lieu thereof the following:

"This Act shall become effective on January 1, 2001."

On the adoption of the amendment, Senator Perdue of the 18th, President Pro Tempore, ordered a roll call, and the vote was as follows:

	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
N	Blitch	N	Harbison	N	Ragan
Y	Boshears		Henson	Y	Ralston
N	Bowen	N	Hill	Y	Ray
N	Broun, 46th	N	Hooks	Y	Roberts
N	Brown, 26th	N	Huggins	N	Scott
Y	Brush	N	James	N	Starr
Y	Burton	N	Johnson,D	N	Stokes
Y	Cagle	N	Johnson,E	N	Streat
N	Cheeks		Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	N	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
N	Dean		Langford	N	Thomas,N
Y	Egan	Y	Madden	N	Thompson
Y	Fort	N	Marable	N	Turner
N	Gillis	N	Middleton	Y	Tysinger
Y	Glanton	N	Oliver		Walker
Y	Gochenour		Perdue(PRS)		

On the adoption of the amendment, the yeas were 23, nays 27, and the Guhl amendment was lost.

The report of the committee, which was favorable to the passage of the bill as reported, was agreed to.

On the passage of the bill on the Local Contested Calendar, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	N	Guhl	N	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears		Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	Y	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	N	Tanksley
Y Clay	Y	Lamutt		Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
N Gochenour		Perdue(PRS)		

On the passage of the local contested bill, the yeas were 46, nays 4.

HB 1792, on the Local Contested Calendar, having received the requisite constitutional majority, was passed.

The following communication was filed with the Secretary:

3/12/98

Dear Frank,

I was present when the Senate Local Consent Calendar was voted on today, but at the time of the actual vote, I was attending to business on the floor of the House of Representatives.

Thanks.

/s/ Senator Kemp of the 3rd

SENATE RULES CALENDAR

Thursday, March 12, 1998
THIRTY-SIXTH LEGISLATIVE DAY

HB 1116	Income tax; health insurance deduction; self-employed (F&PU-8th) Golden-177th
HB 203	Teachers Retirement; forfeited leave; creditable service (Ret-11th) Mc-Bee-88th
HB 751	Georgia Judicial Retirement System; create (Ret-23rd) Williams-114th

- HB 1532 Hunting; disabled persons; allow crossbow for all game (Nat R-31st) Richardson-26th
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- HR 1066 Joint Highway Safety Study Committee; create (Rules-52nd) Smith-103rd
- HR 1111 ~ Matthew A. Towery Bridge; designate (Substitute)(Trans-33rd) Sauder-29th
- HB 236 Mass transportation services; contract provisions; counties and municipalities (F&PU-33rd) Ashe-46th
- HB 1412 Fulton County; board and department of health; rename (H&HS-10th) McKinney-51st
- HB 251 Trespass; limitation of action; prohibit after ten years (Amendment)(S Judy-32nd) Barnes-33rd
- HB 1365 Conservation use property; breach of renewal covenant; amend penalty provisions (F&PU-44th) Royal-164th
- HB 516 Probate court judges; training requirements; amend provisions (Substitute)(S Judy-40th) Channell-111th
- HR 825 Franklin County; convey property (Substitute)(F&PU-44th) Powell-23rd
- HB 1226 Wills, trusts, and estates; amend to add certain short titles (Substitute)(S Judy-40th) Martin-47th
- HB 1227 Retirement and Pensions Code; corrections (S Judy-40th) Martin-47th
- HB 1372 Securities; amend provisions; conform to federal law (Substitute) (B&FI-55th) Polak-67th
- HB 886 Employees' Retirement; compensation for calculating benefits; remove limitation (Ret-5th) Cummings-27th
- HB 1596 Revenue Code; conform to federal code; tax credits (Substitute) (F&PU-44th) Buck-135th
- HB 1082 Public School Employees Retirement; spousal benefits; establish (Ret-5th) Cummings-27th
- HR 998 Committee on the 250th Anniversary of a Representative Assembly in Georgia; create (Rules-16th) Irvin-45th
- HB 1160 Municipalities; utility services; authorize execution of certain contracts (F&PU-31st) Walker-141st
- HB 441 Teachers Retirement; public school employees; membership (Substitute)(Ret-46th) Cummings-27th
- HB 249 Marriage ceremonies; authorize federal judges to perform (Substitute)(S Judy-34th) Campbell-42nd

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Respectfully submitted,
/s/ Scott of the 36th, Chairman
Senate Rules Committee

The following general bills were read the third time and put upon their passage:

HB 1116. By Representatives Golden of the 177th, Jamieson of the 22nd, Royal of the 164th and others:

A bill to amend Code Section 48-7-27 of the Official Code of Georgia Annotated, relating to computation of Georgia taxable net income, so as to provide for a deduction with respect to certain health insurance costs of self-employed individuals.

Senate Sponsor: Senator Turner of the 8th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 51, nays 0.

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

HB 203. By Representatives McBee of the 88th, Cummings of the 27th, Shanahan of the 10th and others:

A bill to amend Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, so as to provide for creditable service for forfeited annual and sick leave.

Senate Sponsor: Senator Ragan of the 11th.

Senator Ragan of the 11th offered the following substitute to HB 203:

A BILL

To be entitled an Act to amend Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, so as to provide for creditable service for accumulated sick leave; to provide for the amount of such creditable service awarded; to authorize the board of trustees of such retirement system to adopt certain rules relating to the award of such creditable service; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Article 5 of Chapter 3 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement in the Teachers Retirement System of Georgia, is amended by inserting at the end thereof the following:

“47-3-92.

(a) For purposes of this Code section, the maximum amount of sick leave which may be accumulated in one year shall be one and one-fourth days per month of actual service. In the event any employer authorizes sick leave in excess of such amount, any such leave used in any year shall be deducted from the maximum amount of leave authorized for that year by this Code section. Nothing in this Code section shall require any employer to grant any certain amount of sick leave.

(b) Accumulated days of sick leave accrued on, after, or before July 1, 1998, for which a member has not been paid shall constitute creditable service as provided in subsection (c) of this Code section. Such creditable service may be used to qualify for retirement but may not be used to qualify for vesting for benefits. Upon retirement of a member, the employer shall certify to the board of trustees the total amount of that member's sick leave based on leave records. It shall be the duty of each employer to maintain accurate records reflecting sick leave used and accumulated by each employee and to keep such records for at least 50 years.

(c)(1) A member shall be given such creditable service, not to exceed one month of creditable service for each 20 days of sick leave, in direct relation to appropriations provided by the General Assembly to fund the provisions of this subsection together with any increase in employer contributions made pursuant to paragraph (2) of this subsection, provided that the member has a minimum of three months of such unused sick leave.

(2) In order to fund the provisions of this Code section in whole or in part, the board of trustees is authorized, but not required, to increase the amount of employer contribution in direct proportion to the amount shown in the appropriation Acts enacted for such purpose by the General Assembly.

(d) The board of trustees may adopt rules and regulations, not inconsistent with the provisions of this Code section, to aid in administering and carrying out the provisions of this Code section. The board of trustees is further authorized to adopt rules for awarding creditable service as provided in subsection (c) of this Code section in instances in which accurate records have not been kept based upon statistical experience in instances in which accurate records have been kept.

(e) The creditable service provided by this Code section shall be available only to persons who retire on or after July 1, 1998.”

SECTION 2.

This Act shall become effective on July 1, 1998, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the "Public Retirement Systems Standards Law"; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 1998, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

Pursuant to Senate Rule 143, action on the bill was suspended, and HB 203 was placed on the General Calendar.

HB 751. By Representative Williams of the 114th:

A bill to amend Chapter 8 of Title 47 of the Official Code of Georgia Annotated, relating to the Superior Court Judges Retirement Fund of Georgia, so as to provide for an increase in compensation; to provide conditions for an effective date and automatic repeal.

Senate Sponsor: Senator Cheeks of the 23rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Y Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 53, nays 0.

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

HB 1532. By Representative Richardson of the 26th:

A bill to amend Code Section 27-3-4 of the Official Code of Georgia Annotated, relating to legal weapons for hunting wildlife generally, so as to provide that

persons with disabilities may obtain a crossbow permit for the taking of all
game. libtool.com.cn

Senate Sponsor: Senator Dean of the 31st.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blicht	Y Harbison	Y Ragan
Y Boshears	Y Henson	Y Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	Y Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Tysinger
Y Glanton	Y Oliver	Y Walker
Y Gochenour	Perdue(PRS)	

On the passage of the bill, the yeas were 51, nays 0.

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

HR 1066. By Representatives Smith of the 103rd, Benefield of the 96th, Walker of the 141st and others:

A resolution creating the Joint Highway Safety Study Committee.

Senate Sponsor: Senator Marable of the 52nd.

The report of the committee, which was favorable to the adoption of the resolution, was agreed to.

On the adoption of the resolution, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Dean	Y James
Y Balfour	Y Egan	Y Johnson,D
Y Blicht	Y Fort	Y Johnson,E
Y Boshears	Y Gillis	Y Kemp
Y Bowen	Y Glanton	Y Lamutt
Y Broun, 46th	Y Gochenour	Y Land
Y Brown, 26th	Y Griffin	Langford
Y Brush	Y Guhl	Y Madden
Y Burton	Y Harbison	Y Marable
Y Cagle	Y Henson	Y Middleton
Y Cheeks	Y Hill	Y Oliver
Y Clay	Y Hooks	Perdue(PRS)
Y Crotts	Y Huggins	

Y Price,R	Y Scott	Y Thomas,D
Y Price,T	Y Starr	Y Thomas,N
Y Ragan	Y Stokes	Thompson
Y Ralston	Y Streat	Y Turner
Y Ray	Tanksley	Y Tysinger
Y Roberts	Y Taylor	Walker

On the adoption of the resolution, the yeas were 51, nays 0.

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

HR 1111. By Representatives Sauder of the 29th, Murphy of the 18th, Irvin of the 45th and others:

A resolution designating the Matthew A. Towery Bridge.

Senate Sponsor: Senator Thompson of the 33rd.

The Senate Committee on Transportation offered the following substitute to HR 1111:

A RESOLUTION

Designating the Matthew A. Towery Bridge; and for other purposes.

WHEREAS, Honorable Matthew A. Towery served with distinction and notable good humor as a member of the Georgia House of Representatives and was an articulate and highly respected leader within the Cobb County legislative delegation; and

WHEREAS, he is a native of Atlanta, Georgia, graduated from the University of Georgia, received a master's degree from Cambridge University, and received a law degree from Stetson University; and

WHEREAS, he is a founding partner in an Atlanta law firm and the chairman of the board of directors of one of the largest commercial printing companies in the state, Color Graphics, Inc.; and

WHEREAS, he has been active in numerous community service organizations and has served on the board of directors of Georgia West Mental Health Center and Butler Street YMCA; and

WHEREAS, this author of two books, The Road Taken and Power in the South, realized his aspiration of public service by representing the people of Cobb County as one of the most knowledgeable and perceptive members of the General Assembly, able to work effectively with the leadership of both parties; and

WHEREAS, he was the 1990 Republican nominee for Lieutenant Governor, former chairman of the Republican State Convention, and chairman of the Georgia Association of Republican Elected Officials.

NOW, THEREFORE, BE IT RESOLVED BY THE GENERAL ASSEMBLY OF GEORGIA that the Paces Ferry Road bridge over I-285 in Cobb County is designated the Matthew A. Towery Bridge.

BE IT FURTHER RESOLVED that the Department of Transportation is authorized and directed to place and maintain appropriate signs designating such bridge as authorized in this resolution.

BE IT FURTHER RESOLVED that the Clerk of the House of Representatives is authorized and directed to transmit appropriate copies of this resolution to Honorable Matthew A. Towery and to the commissioner of transportation.

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted.

The report of the committee, which was favorable to the adoption of the resolution by substitute, was agreed to.

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On the adoption of the resolution, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Griffin	Y	Price,R
	Balfour		Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th		Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	Y	Stokes
	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp		Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver	Y	Walker
Y	Gochenour		Perdue(PRS)		

On the adoption of the resolution, the yeas were 47, nays 0.

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

HB 236. By Representatives Ashe of the 46th, McKinney of the 51st, Mobley of the 69th and others:

A bill to amend Chapter 9 of Title 32 of the Official Code of Georgia Annotated, relating to mass transportation, so as to authorize certain public agencies, public bodies corporate, public corporations, and public authorities to provide transit services or transit facilities by contract to counties, municipalities, or political subdivisions.

Senate Sponsor: Senator Thompson of the 33rd.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Clay	Y	Henson
Y	Balfour	Y	Crotts	Y	Hill
Y	Blitch	Y	Dean	Y	Hooks
Y	Boshears	Y	Egan	Y	Huggins
Y	Bowen	Y	Fort		James
Y	Broun, 46th	Y	Gillis	Y	Johnson,D
Y	Brown, 26th	Y	Glanton	Y	Johnson,E
Y	Brush	Y	Gochenour	Y	Kemp
N	Burton	Y	Griffin	Y	Lamutt
	Cagle	Y	Guhl	Y	Land
Y	Cheeks	Y	Harbison	Y	Langford

Y Madden	Y Ralston	Y Taylor
Y Marable	N Ray	Y Thomas,D
Y Middleton	Y Roberts	Y Thomas,N
Y Oliver	Y Scott	Y Thompson
Perdue(PRS)	Y Starr	Y Turner
Y Price,R	Y Stokes	Y Tysinger
Y Price,T	Y Streat	Walker
Y Ragan	Tanksley	

On the passage of the bill, the yeas were 49, nays 2.

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

HB 1412. By Representative McKinney of the 51st:

A bill to amend Chapter 3 of Title 31 of the Official Code of Georgia Annotated, relating to county boards of health, so as to rename certain county boards of health and departments of health as county boards of public health and wellness and county departments of public health and wellness, respectively, and provide for continued powers and duties.

Senate Sponsor: Senator Thomas of the 10th.

Senator Thomas of the 10th offered the following amendment:

Amend HB 1412 by striking "public" on lines 2, 4, 9, and 41 of page 2; lines 2, 11, 13, 20, 28, and 34 of page 3; and lines 4 and 32 of page 4.

By striking "public" on lines 4 and 5 of page 1, and line 25 of page 3.

On the adoption of the amendment, the yeas were 35, nays 0, and the Thomas of the 10th amendment was adopted.

Senator James of the 35th and Boshears of the 6th offered the following amendment:

Amend HB 1412 by inserting at the end of the title of such bill, immediately preceding the phrase "to repeal conflicting laws;", the following:

"to amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to provide for registration of acupuncture detox specialists; to provide for legislative purposes; to provide for definitions; to prohibit certain unregistered practices and provide for penalties; to provide for powers and duties of the Department of Human Resources; to provide for qualifications for registration and renewal; to provide for disciplinary sanctions; to provide for fees and refunds; to provide for registration, display, and use of titles; to provide for registration by endorsement;"

By striking the last section of such bill and inserting in lieu thereof the following:

"SECTION A.

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

'CHAPTER 43

31-43-1.

It is the purpose of this chapter to promote the free choice, health, safety, and welfare of the people of this state by establishing an orderly system of acupuncture registration and to provide a valid, effective means of establishing registration requirements without undue financial burden to the people of this state. It is also the purpose of

this chapter to support the constitutional right of personal privacy extending to the individual's right to obtain or reject any type of medical therapy.

31-43-2.

As used in this chapter, the term:

- (1) "Acupuncture" means a form of natural health care evolved from ancient African and Asian medical concepts that employ a nonwestern, empirical knowledge approach to health and disease based upon the universal principle of balance. Clinical techniques would involve bioenergetic therapy and traditional and modern modalities of heat, light, electricity, and electromagnetic therapy and plant, animal, and mineral properties relevant to acupuncture in the promotion, maintenance, and restoration of health, the prevention of disease imbalances, and the detoxification of drugs, alcohol, and other addictions by natural means.
- (2) "CAMA" means the Complementary/Alternative Medical Association.
- (3) "Department" means the Department of Human Resources.
- (4) "NADA" means the National Acupuncture Detoxification Association.
- (5) "Practice of acupuncture" means the insertion of acupuncture needles and the application of moxibustion to specific areas of the human body based upon natural medical evaluation as a primary mode of therapy. Adjunctive therapies within the scope of acupuncture may include traditional and modern modalities of heat, light, electricity, electromagnetic therapy, and plant, animal, and mineral properties relevant to acupuncture and the recommendation of dietary guidelines, herbal teas, and therapeutic exercise based on natural medicine concepts.

31-43-3.

(a) It is unlawful to practice acupuncture without registration issued pursuant to this chapter. This restriction does not apply, however, to the following:

- (1) Other health care professionals practicing within the scope of their licenses; or
 - (2) A student practicing acupuncture under the direct supervision of a registered acupuncturist as part of a course of study approved by the department.
- (b) A violation of this Code section is a misdemeanor.

31-43-4.

The department is authorized to:

- (1) Issue, suspend, and revoke registration, collect fees, investigate violations of this chapter, and otherwise administer the provisions of this chapter;
- (2) Adopt rules to implement the provisions of this chapter;
- (3) Issue advisory opinions interpreting this chapter;
- (4) Sue to enjoin violations of this chapter. An injunction may be issued even though no person has yet been injured as a result of the unauthorized practice;
- (5) Adopt and use a seal to authenticate official documents of the department;
- (6) Employ such personnel as may be needed to carry out its functions and purchase, lease, rent, sell, or otherwise dispose of personal and real property for the operations of the department;
- (7) Expend funds as necessary to carry out the provisions of this chapter; and
- (8) Establish a noncompensated acupuncture advisory committee consisting of one member of the public at large, two medical doctors approved by the Composite

Board of Medical Examiners to practice acupuncture, one Acupuncture Detoxification Specialist, and four acupuncturists licensed in states which meet the requirements promulgated by this legislation. CAMA will recommend candidates for appointment on the committee. Members are to be approved by the department and serve two or three-year terms. The committee may:

- (A) Recommend approval of reciprocity for licensure with other states;
- (B) Recommend approval for acceptance of certain training programs and examination on a case by case basis; and
- (C) Recommend approval for a resident applicant at the time of passage of this bill who presents evidence satisfactory to the committee within one year after passage of this bill of successful completion of an acupuncture program or apprenticeship and proof of two years current practice in the state.

31-43-5.

(a) To be registered to practice acupuncture, a person shall:

- (1) Use only presterilized, disposable needles in his or her administration of acupuncture treatment;
- (2) Be at least 21 years of age;
- (3) Be a citizen of the United States or a legal resident; and
- (4) Be trained in oriental medical principles, practices, techniques, and diagnosis with hygiene, sanitation, and sterilization techniques.

(b) Such persons registered to practice acupuncture may be approved by the department using recommendations from the acupuncture advisory committee.

31-43-6.

A registration to practice acupuncture shall be renewed every two years. To renew a registration, a person shall submit proof of current active practice and show proof of completing 20 department approved continuing education hours per two-year period.

31-43-7

The state may deny, suspend, or revoke registration, require remedial education, or issue a letter of reprimand if an applicant or registered acupuncturist:

- (1) Engages in false or fraudulent conduct which demonstrates an unfitness to practice acupuncture, including:
 - (A) Misrepresentation in connection with an application for registration for an investigation by the department;
 - (B) Attempting to collect fees for services which were not performed;
 - (C) False advertising, including guaranteeing that a cure will result from treatment; or
 - (D) Dividing, or agreeing to divide, a fee for services with anyone for referring the patient;
- (2) Fails to exercise proper control over his or her practice by:
 - (A) Aiding an unregistered person in practicing acupuncture;
 - (B) Delegating professional responsibilities to a person the practitioner knows or should know is not qualified to perform such responsibilities; or

- (C) Failing to exercise proper control over registered personnel working with the practitioner in the practice;
- (3) Fails to maintain records in a proper manner by:
- (A) Failing to keep written records describing the course of treatment for each patient;
 - (B) Refusing to provide a patient, upon request, records that have been prepared for or paid for by the patient; or
 - (C) Revealing personally identifiable information about a patient, without consent, unless otherwise allowed by law;
- (4) Fails to exercise proper care for a patient, including:
- (A) Abandoning or neglecting a patient without making reasonable arrangements for the continuation of care; or
 - (B) Exercising, or attempting to exercise, undue influence within the practitioner/patient relationship by making sexual advances or requests for sexual activity or making submission to such conduct a condition of treatment;
- (5) Displays habitual substance abuse or mental impairment to such a degree as to interfere with the ability to provide safe and effective treatment;
- (6) Is convicted or pleads guilty or no contest to any crime which demonstrates an unfitness to practice;
- (7) Negligently fails to practice with the level of skill recognized within the profession as acceptable under such circumstances;
- (8) Willfully violates any provision of this chapter or rule of the department; or
- (9) Has had a license denied, suspended, or revoked in another jurisdiction for any reasons which would be grounds for such action in this state.

31-43-8.

The department is authorized to charge an application fee, examination fee, license fee, license renewal fee, or similar fee and may establish the amount of the fee to be charged. Each fee so established shall be determined in such a manner that the total amount of fees charged by the department pursuant to this chapter shall approximate the total of the direct and indirect costs to the state of the operations of the department pursuant to this chapter. Fees may be refunded for good cause, as determined by the joint-secretary of the state examining boards.

31-43-9.

- (a) The title "Acupuncture Detoxification Specialist" may be used by, and only by, persons registered under this chapter or by those practitioners registered to practice acupuncture under their own board. Possession of a registration under this chapter does not by itself entitle a person to identify himself or herself as a doctor or physician.
- (b) Each person registered to practice acupuncture shall post the registration in a conspicuous location at the person's place of practice.

31-43-10.

- (a) Individuals who do not otherwise possess the credentials required for the practice of acupuncture prescribed by this chapter or the regulations promulgated under this chapter may practice auricular acupuncture for the purpose of the treatment of alcoholism, substance abuse, or chemical dependency if they provide documentation of suc-

successful completion of a training program in acupuncture for the treatment of alcoholism, substance abuse, or chemical dependency which meets or exceeds standards of training set by NADA. The scope of conditions the specialist may treat is limited to chemical dependency, which includes detoxification, withdrawal, drug cravings, problems related to stress, relapse prevention, maintenance and rehabilitation, chronic mental illness with substance abuse risk and auricular treatments of persons with AIDS.

(b) Treatment under this Code section may only take place in a city, county, state, federal, private, nonprofit agency, or state approved alcohol, substance abuse, or chemical dependency program under the supervision of a medical doctor approved by the Composite Board of Medical Examiners to practice acupuncture as an Acupuncturist.

(c) Persons practicing under this Code section are held to all appropriate ethical standards as provided in Code Section 31-43-7.

(d) Persons practicing under this Code section who do nonauricular acupuncture points shall be subject to sanctions for practicing acupuncture without registration as specified in Code Section 31-43-3.

31-43-11.

(a) Any person on whom acupuncture is performed shall have been evaluated by a medical doctor, osteopath, chiropractor, or dentist, as appropriate, for the condition being treated within the preceding six months.

(b) The acupuncture patient shall provide the name, address, and phone number of the medical doctor, osteopath, chiropractor, or dentist providing the evaluation required in subsection (a) of this Code section for further consultation.

(c) If the patient does not have a primary care physician, the acupuncturist shall refer the patient to a primary care physician for evaluation.

(d) An Acupuncturist may, without referral from a medical doctor, osteopath, chiropractor, or dentist, perform acupuncture on a person for smoking addiction, stress management, and weight loss.'

SECTION B.

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

Senator Guhl of the 45th requested a ruling by the Chair as to the germaneness of the amendment.

The President Pro Tempore ruled the James, Boshears amendment not germane.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

	Abernathy	Y	Cheeks	Y	Griffin
Y	Balfour	Y	Clay	N	Guhl
Y	Blicht	Y	Crotts	Y	Harbison
Y	Boshears	Y	Dean	Y	Henson
Y	Bowen	N	Egan	Y	Hill
Y	Broun, 46th	Y	Fort	Y	Hooks
Y	Brown, 26th	Y	Gillis	Y	Huggins
Y	Brush	N	Glanton	Y	James
Y	Burton	Y	Gochenour		Johnson,D
N	Cagle			Y	Johnson,E

Y	Kemp		Price,R	Y	Streat
Y	Lamutt	Y	Price,T	Y	Tanksley
N	Land	Y	Ragan	Y	Taylor
	Langford	Y	Ralston	Y	Thomas,D
Y	Madden	N	Ray	Y	Thomas,N
Y	Marable	Y	Roberts	N	Thompson
Y	Middleton	Y	Scott	Y	Turner
Y	Oliver	Y	Starr	Y	Tysinger
	Perdue(PRS)	Y	Stokes		Walker

On the passage of the bill, the yeas were 43, nays 7.

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

Senator Harbison of the 15th moved that Senator Stokes of the 43rd be excused. On the motion, the yeas were 28, nays 1; the motion prevailed, and Senator Stokes was excused.

The following bill of the House was taken up for the purpose of considering the Conference Committee report thereon:

HB 71. By Representative Murphy of the 18th:

A bill to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, so as to prohibit certain unsolicited telephone calls to residential subscribers who have given notice of their objection to such calls to the Georgia Public Service Commission.

The Conference Committee report on HB 71 was as follows:

The Committee of Conference on HB 71 recommends that both the Senate and the House of Representatives recede from their positions and that the attached Committee of Conference substitute to HB 71 be adopted.

Respectfully submitted,

FOR THE SENATE:
 /s/ Steve Henson
 Senator, 55th District
 /s/ Eric Johnson
 Senator, 1st District
 /s/ Mary Margaret Oliver
 Senator, 42nd District

FOR THE HOUSE
 OF REPRESENTATIVES:
 /s/ Newt Hudson
 Representative, 156th District
 /s/ William J. (Bill) Lee
 Representative, 94th District
 /s/ James M. (Jimmy) Skipper, Jr.
 Representative, 137th District

The Conference Committee report was as follows:

A BILL

To be entitled an Act to amend Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, so as to make certain legislative findings; to define certain terms; to prohibit telephone solicitations to residential subscribers who have given notice of their objection to such solicitations to the Georgia Public Service Commission; to establish a data base to collect such objections and provide for its operation by the Georgia Public Service Commission; to provide for fees to be charged to residential telephone subscribers who are included in the data base or to persons or entities accessing the data base; to restrict the use of information contained in the data base and to provide that such information is not subject to public inspection or disclosure; to require any person or entity who makes a telephone solicitation to state,

at the beginning of such call, the identity of the person or entity initiating the call; to prohibit the blocking, by a person or entity making a telephone solicitation, of a residential subscriber's use of a caller identification service; to provide for enforcement by the administrator of consumer affairs, pursuant to certain provisions of Part 2 of Article 15 of Chapter 1 of Title 10, the "Fair Business Practices Act of 1975"; to provide for a civil action; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 46 of the Official Code of Georgia Annotated, relating to telephone and telegraph service, is amended by adding a new Code section, to be designated as Code Section 46-5-27, to read as follows:

"46-5-27.

(a) The General Assembly finds that:

- (1) The use of the telephone to market goods and services to the home is pervasive now due to the increased use of cost-effective telemarketing techniques;
- (2) Over 30,000 businesses actively telemarket goods and services to business and residential customers;
- (3) Every day, over 300,000 solicitors place calls to more than 18 million Americans, including citizens of this state;
- (4) Telemarketing, however, can be an intrusive and relentless invasion of the privacy and peacefulness of the home;
- (5) Many citizens of this state are outraged over the proliferation of nuisance calls to their homes from telemarketers;
- (6) Individuals' privacy rights and commercial freedom of speech can be balanced in a way that accommodates both the privacy of individuals and legitimate telemarketing practices; and
- (7) It is in the public interest to establish a mechanism under which the individual citizens of this state can decide whether or not to receive telemarketing calls in their homes.

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

- (1) 'Caller identification service' means a type of telephone service which permits telephone subscribers to see the telephone number of incoming telephone calls.
- (2) 'Residential subscriber' means a person who has subscribed to residential telephone service from a local exchange company or the other persons living or residing with such person.
- (3) 'Telephone solicitation' means any voice communication over a telephone line for the purpose of encouraging the purchase or rental of, or investment in, property, goods, or services, but does not include communications:
 - (A) To any residential subscriber with that subscriber's prior express invitation or permission;
 - (B) By or on behalf of any person or entity with whom a residential subscriber has a prior or current business or personal relationship; or

(C) By or on behalf of a charitable organization which has filed a registration statement pursuant to Code Section 43-17-5, is exempt from such registration under paragraphs (1) through (6) of subsection (a) of Code Section 43-17-9, or is exempt from such registration as a religious organization or agency referred to in paragraph (2) of Code Section 43-17-2.

Such communication may be from a live operator, through the use of ADAD equipment as defined in Code Section 46-5-23, or by other means.

(c) No person or entity shall make or cause to be made any telephone solicitation to the telephone line of any residential subscriber in this state who has given notice to the commission, in accordance with regulations promulgated under subsection (d) of this Code section, of such subscriber's objection to receiving telephone solicitations.

(d)(1) The commission shall establish and provide for the operation of a data base to compile a list of telephone numbers of residential subscribers who object to receiving telephone solicitations. It shall be the duty of the commission to have such data base in operation no later than January 1, 1999.

(2) Such data base may be operated by the commission or by another entity under contract with the commission.

(3) No later than January 1, 1999, the commission shall promulgate regulations which:

(A) Require each local exchange company to inform its residential subscribers of the opportunity to provide notification to the commission or its contractor that such subscriber objects to receiving telephone solicitations;

(B) Specify the methods by which each residential subscriber may give notice to the commission or its contractor of his or her objection to receiving such solicitations or revocation of such notice;

(C) Specify the length of time for which a notice of objection shall be effective and the effect of a change of telephone number on such notice;

(D) Specify the methods by which such objections and revocations shall be collected and added to the data base;

(E) Specify the methods by which any person or entity desiring to make telephone solicitations will obtain access to the data base as required to avoid calling the telephone numbers of residential subscribers included in the data base; and

(F) Specify such other matters relating to the data base that the commission deems desirable.

(4) If, pursuant to 47 U.S.C. Section 227(c)(3), the Federal Communications Commission establishes a single national data base of telephone numbers of subscribers who object to receiving telephone solicitations, the commission shall include the part of such single national data base that relates to Georgia in the data base established under this Code section.

(e) A residential subscriber shall be charged a fee of \$5.00, payable to the commission, for each notice for inclusion in the data base established under this Code section. A person or entity desiring to make telephone solicitations shall be charged a fee of \$10.00 per year payable to the commission for access to or for paper or electronic copies of the data base established under this Code section.

(f) Information contained in the data base established under this Code section shall be used only for the purpose of compliance with this Code section or in a proceeding or

action under subsection (h) or (i) of this Code section. Such information shall not be subject to public inspection or disclosure under Article 4 of Chapter 18 of Title 50.

(g)(1) Any person or entity who makes a telephone solicitation to the telephone line of any residential subscriber in this state shall, at the beginning of such call, state clearly the identity of the person or entity initiating the call.

(2) No person or entity who makes a telephone solicitation to the telephone line of a residential subscriber in this state shall knowingly utilize any method to block or otherwise circumvent such subscriber's use of a caller identification service.

(h) The administrator appointed pursuant to subsection (g) of Code Section 10-1-395 shall have authority to initiate proceedings, pursuant to Code Section 10-1-397, relating to a knowing violation or threatened knowing violation of subsection (c) or (g) of this Code section. Such proceedings include without limitation proceedings to issue a cease and desist order, to issue an order imposing a civil penalty up to a maximum of \$2,000.00 for each knowing violation, and to seek additional relief in any superior court of competent jurisdiction. Such actions shall be brought in the name of the state. The provisions of Code Sections 10-1-398, 10-1-398.1, and 10-1-405 shall apply to proceedings initiated by the administrator under this subsection. The administrator is authorized to issue investigative demands, issue subpoenas, administer oaths, and conduct hearings in the course of investigating a violation of subsection (c) or (g) of this Code section, in accordance with the provisions of Code Sections 10-1-403 and 10-1-404.

(i) Any person who has received more than one telephone solicitation within any 12 month period by or on behalf of the same person or entity in violation of subsection (c) or (g) of this Code section may either bring an action to enjoin such violation; bring an action to recover for actual monetary loss from such knowing violation or to receive up to \$2,000.00 in damages for each such knowing violation, whichever is greater; or bring both such actions.

(j) It shall be a defense in any action or proceeding brought under subsection (h) or (i) of this Code section that the defendant has established and implemented, with due care, reasonable practices and procedures to effectively prevent telephone solicitations in violation of this Code section.

(k) No action or proceeding may be brought under subsection (h) or (i) of this Code section:

(1) More than two years after the person bringing the action knew or should have known of the occurrence of the alleged violation; or

(2) More than two years after the termination of any proceeding or action by the State of Georgia, whichever is later.

(l) A court of this state may exercise personal jurisdiction over any nonresident or his or her executor or administrator as to an action or proceeding authorized by this Code section in accordance with the provisions of Code Section 9-10-91.

(m) The remedies, duties, prohibitions, and penalties of this Code section are not exclusive and are in addition to all other causes of action, remedies, and penalties provided by law.

(n) No provider of telephone caller identification service shall be held liable for violations of this Code section committed by other persons or entities."

SECTION 2.

This Act shall become effective on July 1, 1998, for purposes of administrative establishment of the data base, including receipt of notices, by the Public Service Commission and shall become effective for all purposes on January 1, 1999.

SECTION 3.

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

Senator Henson of the 55th moved that the Senate adopt the Conference Committee report on HB 71.

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

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean		Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver		Walker
Y Gochenour		Perdue(PRS)		

On the motion, the yeas were 51, nays 0; the motion prevailed, and the Senate adopted the Conference Committee report on HB 71.

The Calendar was resumed.

HB 251. By Representative Barnes of the 33rd:

A bill to amend Article 2 of Chapter 3 of Title 9 of the Official Code of Georgia Annotated, relating to specific periods of limitation of actions, so as to provide that no action for trespass upon or damage to realty shall be brought after ten years from the date the cause of action accrues; to provide that the cause of action accrues when the trespass or damage to realty occurs or when it is discovered or should have been discovered.

Senate Sponsor: Senator Tanksley of the 32nd.

The Senate Special Judiciary Committee offered the following amendment:

Amend HB 251 by adding on line 8 of page 1 between the semicolon and the word "to" the following:

"to provide for certain exceptions;"

By striking the quotation marks at the end of line 26 of page 1 and by adding between lines 26 and 27 of page 1 the following:

“(d) Subsections (b) and (c) of this Code section shall not apply to any action where the cause of action arises out of the leaking or escape of gasoline or any other petroleum product from a below-ground or above-ground storage tank or pipeline.”

Senator Tanksley of the 32nd offered the following amendment:

Amend HB 251 by inserting the following language after the word “accrues” on line 20 and by adding the following language between lines 20 and 21:

(b)In matters of new construction the right of action shall be limited as described below:

And, furthermore, by inserting “(i)” in place of “(b)” on line 21.

And, furthermore, by deleting the following from line 21: referred to in this Code section

And, furthermore, by inserting “(ii)” in place of “(c)” on line 24.

Senator Langford of the 29th offered the following amendment:

Amend HB 251 by striking, on page one, line 25 the word “ten” and replacing it with “eight”

Senator Cagle of the 49th moved that SB 251 be placed on the Table.

On the motion, which takes precedence, the yeas were 26, nays 16; the motion prevailed, and HB 251 was placed on the Table.

HB 1365. By Representatives Royal of the 164th, Buck of the 135th, Walker of the 141st and others:

A bill to amend Code Section 48-5-7.4 of the Official Code of Georgia Annotated, relating to bona fide conservation use property, so as to specify additional circumstances under which certain penalties shall not apply.

Senate Sponsor: Senator Starr of the 44th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Gillis	Langford
Balfour		Glanton	Y Madden
Y Blitch	Y	Gochenour	Y Marable
Y Boshears	Y	Griffin	Y Middleton
Y Bowen	Y	Guhl	Y Oliver
Y Broun, 46th	Y	Harbison	Perdue(PRS)
Y Brown, 26th	Y	Henson	Y Price,R
Y Brush		Hill	Y Price,T
Y Burton	Y	Hooks	Y Ragan
Y Cagle	Y	Huggins	Ralston
Y Cheeks	Y	James	Y Ray
Y Clay	Y	Johnson,D	Y Roberts
Y Crotts		Johnson,E	Y Scott
Y Dean		Kemp	Y Starr
Y Egan	Y	Lamutt	EX Stokes
Y Fort	Y	Land	Y Streat

Y	Tanksley	Y	Thomas,N	Y	Tysinger
	Taylor	Y	Thompson		Walker
Y	Thomas,D	Y	Turner		

On the passage of the bill, the yeas were 44, nays 0.

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

The President resumed the Chair.

HB 516. By Representatives Channell of the 111th, Jenkins of the 110th and Greene of the 158th:

A bill to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to change provisions relating to failure to complete training required for judges of the probate courts.

Senate Sponsor: Senator Egan of the 40th.

The Senate Special Judiciary Committee offered the following substitute to HB 516:

A BILL

To be entitled an Act to amend Chapter 9 of Title 15 of the Official Code of Georgia Annotated, relating to probate courts, so as to change certain provisions relating to training requirements and certification as a judge of the probate court; to change provisions relating to failure to complete training required for judges of the probate courts; to provide for administrative and hardship extensions for failure to complete initial training or minimal credit hours annually; to provide for notification of the Judicial Qualifications Commission and a recommendation for removal from office in certain circumstances; to remove provisions relating to private admonitions, hearings, and reprimands; to provide an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 9 of Title 15, relating to probate courts, is amended by striking in their entirety subsections (b) and (d) of Code Section 15-9-1.1, relating to required training courses for judges of the probate courts, and inserting in lieu thereof new subsections (b) and (d) to read as follows:

“(b) Any person who is elected, appointed, or becomes a judge of the probate court by operation of law after January 1, 1990, and who does not satisfactorily complete the initial training course prescribed by the Probate Judges Training Council and the Institute of Continuing Judicial Education of Georgia or who does not file a certificate of such training issued by the Institute of Continuing Judicial Education of Georgia with the Probate Judges Training Council within one year after taking office as a judge of the probate court shall, subject to subsection (d) of this Code section, become a certified judge of the probate court upon completion of such requirements at any later time.”

“(d) Any judge who fails to become a certified judge within one year after taking office as a judge of the probate court or to earn the required cumulative annual minimal credit hours of training during any ~~two-year~~ one-year period after the initial year of training may be given a six-month administrative extension by the Probate Judges Training Council during which to fulfill this requirement. Individual requests for extensions beyond the initial six-month extension for reasons of disability, hardship, or extenuating circumstance may be approved on a case by case basis by the Probate

~~Judges Training Council. Upon failure to earn the required hours within the six-month extension period or additional extension period or periods granted, the Probate Judges Training Council shall promptly notify the Judicial Qualifications Commission which shall recommend to the Supreme Court removal of the probate judge from office unless the Judicial Qualifications Commission finds that the failure was caused by facts beyond the control of the probate judge, a private admonition shall issue from the Probate Judges Training Council with a copy of such admonition going to the Chief Justice of the Supreme Court.~~

~~(2) Upon the failure of a judge to fulfill the training requirements during any three-year period, the Probate Judges Training Council shall notify such judge of probate court of the failure to meet the training requirements and conduct a show cause hearing. At the hearing, the training council shall determine whether a reasonable excuse exists for the judge's failure. If the training council determines the excuse was reasonable, it may grant an extension of up to six months within which all unfulfilled mandatory training hours, together with current requirements, must be met. If the training council finds that there was no reasonable excuse for such failure, it shall issue a reprimand and send it to the Supreme Court for approval. Oral arguments may be heard under the rules of the Supreme Court. If the reprimand is approved by the Supreme Court, the reprimand shall be made public through posting at the courthouse in the county where the judge presides and publishing such reprimand once a week for a period of four consecutive weeks in the legal organ of the county."~~

SECTION 2.

This Act shall become effective on January 1, 1999.

SECTION 3.

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

On the adoption of the substitute, the yeas were 30, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Gillis	Langford
Balfour	Y Glanton	Y Madden
Y Blitch	Y Gochenour	Y Marable
Y Boshears	Y Griffin	Middleton
Y Bowen	Y Guhl	Y Oliver
Y Broun, 46th	Y Harbison	Y Perdue
Y Brown, 26th	Y Henson	Y Price,R
Y Brush	Y Hill	Y Price,T
Y Burton	Y Hooks	Y Ragan
Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
Y Clay	Y Johnson,D	Y Roberts
Y Crofts	Johnson,E	Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	EX Stokes
Y Fort	Y Land	Streat

Y Tanksley	Y Thomas,N	Y Tysinger
Y Taylor	Y Thompson	Walker
Y Thomas,D	Y Turner	

On the passage of the bill, the yeas were 48, nays 0.

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

The following bill was taken up to consider House action thereto:

HB 1315. By Representatives Purcell of the 147th, DeLoach of the 172nd, Lane of the 146th and others:

A bill to amend Title 27 of the Official Code of Georgia Annotated, relating to game and fish, so as to define certain terms; to provide for resident and non-resident commercial food shrimp cast netting licenses; to provide for the reporting of certain information relating to commercial fishing.

Senator Gillis of the 20th moved that the Senate insist on its substitute to HB 1315.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate insisted on its substitute to HB 1315.

The Calendar was resumed.

HR 825. By Representative Powell of the 23rd:

A resolution authorizing the conveyance of certain state owned real property located in Franklin County.

Senate Sponsor: Senator Starr of the 44th.

The Senate Finance and Public Utilities Committee offered the following substitute to HR 825:

A RESOLUTION

Authorizing the conveyance of certain state owned real property located in Franklin County, Georgia; authorizing the conveyance of certain state owned real property located in Bibb County, Georgia; authorizing the conveyance of certain state owned real property located in Richmond County, Georgia; to repeal conflicting laws; and for other purposes.

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Franklin County, Georgia;
- (2) Said real property is all that tract or parcel of land lying and being in Franklin County, Georgia, containing approximately 2.75 acres, being known as Rice Mill Road, described in EXHIBIT "A" of that certain Revocable License Agreement dated August 26, 1997, and being Real Property Record No. 8980, on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) Said property is under the custody of the Georgia Department of Natural Resources;
- (4) Franklin County is desirous of widening and improving the above-described Rice Mill Road as it crosses Victoria Bryant State Park;

(5) By resolution dated April 23, 1997, the Georgia Board of Natural Resources approved of the conveyance of the above-described property to Franklin County; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in Bibb County, Georgia;
- (2) Said real property is all that tract or parcel of land lying and being in Bibb County, Georgia, containing approximately 0.34 of one acre, as described as Parcel 46 on that highway construction drawing entitled "Clinton Road STA 24+50 to 20+50 Right of Way" on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) Said property is under the custody of the Georgia Department of Defense;
- (4) Bibb County is making certain highway improvements along Clinton Road in Bibb County;
- (5) Said road improvements will require that Bibb County acquire the above-described state property;
- (6) By letter dated November 5, 1997, the Department of Defense stated it had no objection to the conveyance and would benefit from the conveyance; and

WHEREAS:

- (1) The State of Georgia is the owner of a certain parcel of real property located in the City of Augusta, Richmond County, Georgia;
- (2) Said real property is all that tract or parcel of land lying and being in the City of Augusta, Richmond County, Georgia, containing approximately 0.70 of one acre as described in accordance with that certain plat of survey prepared by Bennie C. Harbin, Georgia Registered Land Surveyor No. 1725, dated June 6, 1997, on file in the offices of the State Properties Commission, and may be more particularly described on a plat of survey prepared by a Georgia registered land surveyor and presented to the State Properties Commission for approval;
- (3) Said property is under the custody of the Georgia Department of Juvenile Justice and is a portion of the Richmond County Regional Youth Development Campus;
- (4) Richmond County is improving a portion of State Highway 56 at the intersection with Phinizy Road in the City of Augusta, Richmond County;
- (5) Augusta-Richmond County is desirous of obtaining the subject property in order to provide said road improvements;
- (6) By letter dated August 13, 1997, the Department of Juvenile Justice approved of the transfer of the property to Augusta-Richmond County.

NOW, THEREFORE, BE IT RESOLVED AND ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

ARTICLE I

SECTION 1.

That the State of Georgia is the owner of the above-described real property located in Franklin County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 2.

That the ~~above-described real~~ property located in Franklin County shall be conveyed by appropriate instrument to Franklin County by the State of Georgia, acting by and through the State Properties Commission, for a consideration of \$10.00 so long as the property is used for public purposes and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 3.

That the authorization in this resolution to convey the above-described property to Franklin County shall expire three years after the date that this resolution becomes effective.

SECTION 4.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 5.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Franklin County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE II

SECTION 6.

That the State of Georgia is the owner of the above-described real property located in Bibb County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 7.

That the above-described real property located in Bibb County shall be conveyed by appropriate instrument to Bibb County by the State of Georgia, acting by and through the State Properties Commission, for a consideration of \$10.00 and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 8.

That the authorization in this resolution to convey the above-described property to Bibb County shall expire three years after the date that this resolution becomes effective.

SECTION 9.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 10.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Bibb County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE III

SECTION 11.

That the State of Georgia is the owner of the above-described real property located in Richmond County and that in all matters relating to the conveyance of the real property the State of Georgia is acting by and through its State Properties Commission.

SECTION 12.

That the ~~above-described real~~ property located in Richmond County shall be conveyed by appropriate instrument to Augusta-Richmond County by the State of Georgia, acting by and through the State Properties Commission, for a consideration of \$10.00 so long as the property is used for public purposes and such further consideration and provisions as the State Properties Commission shall in its discretion determine to be in the best interests of the State of Georgia.

SECTION 13.

That the authorization in this resolution to convey the above-described property to Augusta-Richmond County shall expire three years after the date that this resolution becomes effective.

SECTION 14.

That the State Properties Commission is authorized and empowered to do all acts and things necessary and proper to effect such conveyance.

SECTION 15.

That the deed of conveyance shall be recorded by the grantee in the Superior Court of Richmond County and a recorded copy shall be forwarded to the State Properties Commission.

ARTICLE IV

SECTION 16.

That all laws and parts of laws in conflict with this resolution are repealed.

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Griffin	Y Price,R
Y Balfour	Y Guhl	Y Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Ralston
Y Bowen	Y Hill	Y Ray
Y Broun, 46th	Y Hooks	Y Roberts
Y Brown, 26th	Y Huggins	Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Y Taylor
Y Crotts	Y Land	Y Thomas,D
Y Dean	Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Middleton	Y Tysinger
Y Glanton	Y Oliver	Walker
Y Gochenour	Perdue	

On the adoption of the resolution, the yeas were 47, nays 0.

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

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HB 1226. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were effective December 31, 1997, and Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were amended by an Act approved April 2, 1996.

Senate Sponsor: Senator Egan of the 40th.

The Senate Special Judiciary Committee offered the following substitute to HB 1226:

A BILL

To be entitled an Act to amend Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were in effect on December 31, 1997, so as to provide for a short title; to amend Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and estates, as such title was amended by an Act approved April 2, 1996 (Ga. L. 1996, p. 504), and an Act approved April 29, 1997 (Ga. L. 1997, p. 1352), so as to provide for a short title; to revise certain definitions; to change the provisions relating to renouncing succession; to provide that an administrator with the will annexed is not an executor; to change the provisions relating to the rules of inheritance when a decedent dies without a will; to change the conditions under which an heir may petition for an order that no administration is necessary; to provide for a final return and grant of a petition for discharge before terminating an estate in the event of escheat; to limit certain provisions relative to taxes and liens for taxes against property set apart for year's support to real property; to change a provision relating to who may petition for year's support; to provide that no additional guardian ad litem shall be appointed for a minor child represented by a guardian petitioning for year's support; to provide for exceptions; to limit to real property a requirement for mailing a copy of a petition for year's support to the tax commissioner or collector of a county in which certain property is located; to provide for overcoming a presumption of intent to revoke; to change the provisions relating to presumption of intent to revoke a will; to provide that a copy of a will may be offered for probate in certain circumstances; to provide when a copy of a will may be offered for probate if the original will cannot be found; to change a provision relating to what persons should receive notice to beneficiaries under a purported will; to repeal a requirement for notice to certain beneficiaries and heirs before any acts of ancillary administration; to provide for eligibility to serve as a temporary administrator; to provide for service of a petition for letters of administration with the will annexed upon nominated executors who have failed to qualify in a specified circumstance; to provide for service of such a petition on beneficiaries; to provide for judicial determination as to whether administration by the executor of a deceased executor best serves the interests of the first estate; to provide for consent by the guardian of an heir who is not sui juris to unanimous selection of an administrator; to provide that notice is not required for the grant of temporary letters of administration; to provide that a temporary administrator shall have the power to collect and preserve estate assets in certain circumstances; to repeal provisions for alternative consent to waive bond by a prospective personal representative and to grant specified powers to a personal representative when an heir who is not sui

juris has no guardian; to provide for additional bond upon conversion of real property into personalty; to provide for notice as the court shall direct of compensation of the personal representative for the delivery of property in kind and of determining expenses to be allowed a personal representative; to provide that it shall not be necessary to mail a copy of the inventory to any beneficiary or heir who is not sui juris or for the court to appoint a guardian for such person; to change the provisions relating to waiver of the right to receive the inventory; to change the provisions relating to dispensing with making an inventory and sending copies to the heirs or beneficiaries; to change the provisions relating to notices to creditors and the publication thereof; to change the provisions relating to compromise of claims; to provide for assignment of claims and payment of proceeds; to change the provisions relating to petition by a personal representative for discharge and citations; to repeal a provision requiring an order to deposit unclaimed funds before granting discharge; to change the provisions relating to mailing of returns to heirs and beneficiaries and relieving personal representatives of the duty to file returns and send copies to heirs or beneficiaries; to change the time for filing objections to an intermediate report and service requirements; to provide for continuing a hearing until a date certain when objections are filed to the personal representative's report, actions, or accounting; to provide that the report of a conservator of the estate of a missing individual shall include a recommendation for distribution; to provide for certain dispositions by the conservator upon the order of an appropriate court; to change the provisions relating to proceedings in probate courts; to redefine the term "guardian"; to provide for service on individuals who are not sui juris; to change the provisions relating to waiver or acknowledgment of service or notice and consent to granting of relief or entry of an order; to change the provisions relating to issuance of citation upon filing of a petition; to change the provisions relating to contents of a citation; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 1 of Title 53 of the Official Code of Georgia Annotated, relating to general provisions relative to wills, trusts, and estates, as such chapter and title were in effect on December 31, 1997, is amended by striking in its entirety Code Section 53-1-1, relating to the abolition of dower, and inserting in its place the following:

"53-1-1.

(a) This chapter and Chapters 2 through 11 of this title, as such chapters existed on December 31, 1997, and as such chapters shall be expressly amended in the future, shall be known and may be cited as the 'Pre-1998 Probate Code.'

(b) The right of dower is abolished."

SECTION 2.

Title 53 of the Official Code of Georgia Annotated, relating to wills, trusts, and estates, as such title was amended by an Act approved April 2, 1996 (Ga. L. 1996, p. 504), and an Act approved April 29, 1997 (Ga. L. 1997, p. 1352), and as such title, as amended by such Acts, may be amended in the future, is amended by striking in its entirety Code Section 53-1-1, relating to the effective date, and inserting in lieu thereof the following:

"53-1-1.

(a) This chapter and Chapters 2 through 11 of this title, as such chapters were amended by an Act approved April 2, 1996 (Ga. L. 1996, p. 504), and an Act approved

April 29, 1997 (Ga. L. 1997, p. 1352), and as such chapters may be amended in the future, shall be known and may be cited as the 'Revised Probate Code of 1998.'

(b) Except as otherwise provided by law, the provisions contained in this chapter and Chapters 2 through 11 of this title shall be effective on January 1, 1998; provided, however, that no vested rights of title, year's support, succession, or inheritance shall be impaired."

SECTION 3.

Said title is further amended by striking Code Section 53-1-2 of the "Revised Probate Code of 1998," relating to definitions, and inserting in its place the following:

"53-1-2.

As used in this chapter and Chapters 2 through 11 of this title, the term:

- (1) 'Administrator' means any person appointed and qualified to administer an intestate estate, including an intestate estate already partially administered by an administrator and from any cause unrepresented.
- (2) 'Administrator with the will annexed' means any person, other than an executor, appointed and qualified to administer a testate estate, including a testate estate already partially administered and from any cause unrepresented.
- (3) 'Beneficiary' means a person, including a trust, who is designated in a will to take an interest in real or personal property.
- (4) 'Codicil' means an amendment to or republication of a will.
- (5) 'County administrator' means any individual or individuals appointed by the probate court of the county and qualified to represent an estate that is unrepresented and unlikely to be represented.
- (6) 'Descendants' means the lineal descendants of an individual including those individuals who are treated as lineal descendants by virtue of adoption.
- (7) 'Executor' means any person nominated in a will who has qualified to administer a testate estate, including a person nominated as alternative or successor executor.
- (8) 'Guardian' means the guardian ad litem or representative described in Code Section 53-11-2 who represents one or more parties to a probate court proceeding who are not sui juris, are unborn, or are unknown.
- (9) 'Heirs' means those one or more individuals who survive the decedent and are determined under the rules of inheritance to take the property of the decedent that is not disposed of by will.
- (10) 'Nominated executor' means any person nominated in the will to serve as executor who has not yet qualified to serve as executor.
- (11) 'Person' means an individual, corporation, partnership, association, joint-stock company, business trust, unincorporated organization, limited liability company, or two or more persons having a joint or common interest, including an individual or a business entity acting as a personal representative or in any other fiduciary capacity.
- (12) 'Personal representative' means any administrator, administrator with the will annexed, county administrator, or executor.
- (13) 'Qualified' means that a personal representative has taken the oath, posted any required bond, and been issued letters of administration or letters testamentary, ~~and posted any required bond,~~ as provided in this title.

(14) 'Sui juris' means an individual is age 18 or over and not suffering from any legal disability.

(15) 'Temporary administrator' means any person granted temporary letters of administration upon an unrepresented estate.

(16) 'Testamentary gift' means the interest in real or personal property which a beneficiary is designated to take in a will.

(17) 'Will' means the legal declaration of an individual's testamentary intention regarding that individual's property or other matters. Will includes the will and all codicils to the will."

SECTION 4.

Said title is further amended by striking paragraph (1) of subsection (f) of Code Section 53-1-20 of the "Revised Probate Code of 1998," relating to renouncing succession, and inserting in its place the following:

"(f)(1) Except as otherwise provided by the will or other governing instrument, a renunciation shall cause the renounced property to pass as if the person renouncing had predeceased the decedent or, in the case of property passing upon exercise of a power of appointment, as if the person renouncing had predeceased the holder of the power; provided, however, that, solely for the purposes of the last clause of paragraph (5) and the last clause of paragraph (7) of subsection (b) of Code Section 53-2-1, any individual renouncing who is the only sibling or the only aunt or uncle surviving the decedent shall not be deemed to have predeceased the decedent."

SECTION 5.

Said title is further amended by striking subsection (b) of Code Section 53-2-1 of the "Revised Probate Code of 1998," relating to rules of inheritance when a decedent dies without a will, and inserting in its place the following:

"(b) When a decedent died without a will, the following rules shall determine such decedent's heirs:

(1) Upon the death of an individual who is survived by a spouse but not by any child or other descendant, the spouse is the sole heir. If the decedent is also survived by any child or other descendant, the spouse shall share equally with the children, with the descendants of any deceased child taking that child's share, per stirpes; provided, however, that the spouse's portion shall not be less than a one-third share;

(2) If the decedent is not survived by a spouse, the heirs shall be those relatives, as provided in this Code section, who are in the nearest degree to the decedent in which there is any survivor;

(3) Children of the decedent are in the first degree, and those who survive the decedent shall share the estate equally, with the descendants of any deceased child taking, per stirpes, the share that child would have taken if in life;

(4) Parents of the decedent are in the second degree, and those who survive the decedent shall share the estate equally;

(5) Siblings of the decedent are in the third degree, and those who survive the decedent shall share the estate equally, with the descendants of any deceased sibling taking, per stirpes, the share that sibling would have taken if in life; provided, however, that, subject to the provisions of paragraph (1) of subsection (f) of Code Section 53-1-20, if no sibling survives the decedent, the nieces and nephews who survive the

decendent shall take the estate in equal shares, with the descendants of any deceased niece or nephew taking, per stirpes, the share that niece or nephew would have taken if in life;

(6) Grandparents of the decedent are in the fourth degree, and those who survive the decedent shall share the estate equally;

(7) Uncles and aunts of the decedent are in the fifth degree, and those who survive the decedent shall share the estate equally, with the children of any deceased uncle or aunt taking, per stirpes, the share that uncle or aunt would have taken if in life; provided, however, that, subject to the provisions of paragraph (1) of subsection (f) of Code Section 53-1-20, if no uncle or aunt of the decedent survives the decedent, the first cousins who survive the decedent shall share the estate equally; and

(8) The more remote degrees of kinship shall be determined by counting the number of steps in the chain from the relative to the closest common ancestor of the relative and decedent and the number of steps in the chain from the common ancestor to the decedent. The sum of the steps in the two chains shall be the degree of kinship, and the surviving relatives with the lowest sum shall be in the nearest degree and shall share the estate equally."

SECTION 6.

Said title is further amended by striking subsection (a) of Code Section 53-2-40 of the "Revised Probate Code of 1998," relating to petitions, and inserting in its place the following:

"(a) When an individual has died intestate and there has been no administration personal representative appointed in this state, any heir of the decedent may file a petition praying for an order that no administration is necessary. The petition shall be filed in the probate court of the county of the domicile of the decedent, if the decedent was domiciled in this state, or in the county in which real property is located, if the decedent was not domiciled in this state."

SECTION 7.

Said title is further amended by striking subsection (e) of Code Section 53-2-51 of the "Revised Probate Code of 1998," relating to procedure for escheat, and inserting in its place the following:

"(e) When property is paid over or distributed to a county board of education, no further proceedings to terminate the administration of the estate shall be necessary terminated following a final return and the granting of a petition for discharge."

SECTION 8.

Said title is further amended by striking Code Section 53-3-4 of the "Revised Probate Code of 1998," relating to taxes and tax liens, and inserting in its place the following:

"53-3-4.

In solvent and insolvent estates, all taxes and liens for taxes accrued for years prior to the year of the decedent's death against the real property set apart and against any equity of redemption applicable to the real property set apart shall be divested as if the entire title were included in the year's support. Additionally, as elected in the petition, property taxes accrued in the year of the decedent's death or in the year in which the petition for year's support is filed or, if the petition is filed in the year of the decedent's death, in the year following the filing of the petition, shall be divested if the real property is set apart for year's support."

SECTION 9.

Said title ~~is further amended~~ by striking subsection (a) of Code Section 53-3-5 of the "Revised Probate Code of 1998," relating to the filing of a petition for year's support, and inserting in its place the following:

"(a) Upon the death of any individual leaving an estate solvent or insolvent, the surviving spouse or a minor child or a guardian or other person acting in behalf of the surviving spouse or in behalf of a minor child may file a petition for year's support in the probate court having jurisdiction over the decedent's estate. If the petition is brought by a guardian acting on behalf of a minor child, no additional guardian ad litem shall be appointed for such minor child unless ordered by the court."

SECTION 10.

Said title is further amended by striking subsection (d) of Code Section 53-3-6 of the "Revised Probate Code of 1998," relating to issuance of citation and publication of notice and mailing of petitions to tax commissioners, and inserting in its place the following:

"(d) The probate court shall mail a copy of the petition within five days of its filing to the tax commissioner or tax collector of any county in this state in which real property proposed to be set apart is located."

SECTION 11.

Said title is further amended by striking Code Section 53-4-44 of the "Revised Probate Code of 1998," relating to destruction or obliteration of a will or material portion thereof, and inserting in its place the following:

"53-4-44.

An express revocation may be effected by any destruction or obliteration of the will done by the testator with an intent to revoke or by another at the testator's direction. The intent to revoke shall be presumed from the obliteration or cancellation of a material portion of the will, but such presumption may be overcome by a preponderance of the evidence."

SECTION 12.

Said title is further amended by striking Code Section 53-4-46 of the "Revised Probate Code of 1998," relating to presumption of intent, and inserting in its place the following:

"53-4-46.

(a) A presumption of intent to revoke arises if the original of a testator's will cannot be found to probate, which presumption may be overcome by a preponderance of the evidence and provided further a copy of said will may be probated if the evidence shows that a lost will was not intended to be revoked.

(b) A copy of a will may be offered for probate in accordance with Chapter 5 of this title in lieu of the original will if the original cannot be found to probate, provided that the copy is proved by a preponderance of the evidence to be a true copy of the original will and that the presumption of intent to revoke set forth in subsection (a) of this Code section is rebutted by a preponderance of the evidence."

SECTION 13.

Said title is further amended by striking subsection (b) of Code Section 53-5-22 of the "Revised Probate Code of 1998," relating to notice for probate in solemn form, and inserting in its place the following:

~~“(b) For purposes of giving notice to beneficiaries under a purported will for which probate proceedings are pending in this state, notice shall be given to those of the following persons named or designated in the purported will whose identity and whereabouts may be determined by the petitioner in the exercise of reasonable diligence:~~

~~(1) Each beneficiary who is designated in the will to receive a present interest or power, other than a mere trust beneficiary, and who, in the case of an individual, is sui juris~~ Each beneficiary:

(A) Who has a present interest, including but not limited to a vested remainder interest but not including trust beneficiaries where there is a trustee; and

(B) Whose identity and whereabouts are known or may be determined by reasonable diligence;

~~(2) The duly acting guardian or, if none, the person having custody of each individual beneficiary with a present interest or power, other than a mere trust beneficiary, who is not sui juris; and~~

~~(3) Each trustee.~~

Notice shall not be required in the case of a person whose interest, even though vested, cannot be possessed until the passage of time or the happening of a contingency. The probate court may, on motion, modify the notice required in the case of numerous beneficiaries of the same or similar class where the value of each testamentary gift is, or appears to be, nominal. Upon motion, the court may determine whether the interest of any beneficiary required to be notified under this subsection is adequately represented, including any contingent interest of a beneficiary, and if such representation is found to be inadequate, the court may appoint a guardian ad litem to represent each beneficiary or order such other notice as may be appropriate to a beneficiary of a contingent interest. If a trustee named in the will indicates a refusal to represent the beneficiaries of the testamentary trust, the court may order that notice be given directly to the beneficiaries of the trust.”

SECTION 14.

Said title is further amended by striking Code Section 53-5-40 of the “Revised Probate Code of 1998,” relating to notice given by an ancillary personal representative, and inserting in its place the following:

“53-5-40.

Upon qualification, the ancillary personal representative shall give notice to all creditors of the nondomiciliary decedent who are domiciled in this state in the same manner as is required for decedents who die domiciled in this state. ~~Following qualification and prior to performing any acts of ancillary administration in this state, the ancillary personal representative shall give notice, in accordance with Chapter 11 of this title, of the ancillary probate of the decedent’s will or the ancillary administration of the decedent’s estate to each beneficiary under the decedent’s will who is domiciled in this state and to any heir of the decedent who is domiciled in this state.”~~

SECTION 15.

Said title is further amended by striking Code Section 53-6-1 of the “Revised Probate Code of 1998,” relating to eligibility for service as a personal representative of a decedent, and inserting in its place the following:

“53-6-1.

Any individual who is sui juris, regardless of citizenship or residency, is eligible to serve as a personal representative or temporary administrator of a decedent who dies domiciled in this state, subject to the requirements for qualification set forth in this chapter. Any other person is eligible to serve as a personal representative or temporary administrator of a decedent who dies domiciled in this state, subject to the requirements set forth in this chapter, provided the person is otherwise qualified to act as a fiduciary in this state.”

SECTION 16.

Said title is further amended by striking subsection (a) of Code Section 53-6-11 of the “Revised Probate Code of 1998,” relating to qualifications of executors, and inserting in its place the following:

“(a) If the nominated executor does not qualify within 90 days after the order admitting the will to probate is entered or is proved to be dead or incapacitated or renounces the right to serve, the next nominated executor in the order set out in the will may qualify. If the next nominated executor fails to qualify within 90 days after the expiration of the time period by which the first nominated executor must qualify or is proved to be dead or incapacitated or renounces the right to serve, any nominated executor may qualify. If no nominated executor appears to qualify within a reasonable time or if there is no other executor named in the will, the estate shall be deemed to be unrepresented.”

SECTION 17.

Said title is further amended by striking Code Section 53-6-15 of the “Revised Probate Code of 1998,” relating to petitions for letters of administration with the will annexed, and inserting in its place the following:

“53-6-15.

(a) Every petition for letters of administration with the will annexed shall be made in accordance with the procedures set forth in Code Section 53-5-21 if the will has not yet been admitted to probate and shall include a prayer for issuance of letters of administration with the will annexed. The petition shall set forth the names, addresses, and ages or majority status of the beneficiaries who are capable of expressing a choice, as defined in subsection (a) of Code Section 53-6-14, and the circumstances giving rise to the need for an administrator with the will annexed. The petition shall be served on the beneficiaries of the will who are capable of expressing a choice in the manner described in Chapter 11 of this title. If the petition for letters of administration with the will annexed is based upon the expiration of a reasonable time for any nominated executor to qualify, any nominated executor who has failed to qualify shall also be served.

(b) If the will has been admitted to probate, the petition for letters of administration with the will annexed shall set forth the names, addresses, and ages or majority status of the beneficiaries who are capable of expressing a choice, as described in subsection (a) of Code Section 53-6-14, the date on which the will was admitted to probate, and the circumstances giving rise to the need for an administrator with the will annexed. The petition shall be served on the beneficiaries of the will and the executor, if any, of any deceased executor whose death created the vacancy in the manner described in Chapter 11 of this title.

(c) In the case of an estate partially administered and unrepresented because of the death of the previous executor, the judge shall determine whether the interest of the first estate and the persons interested in the first estate will be best served by the appointment of an administrator with the will annexed or ~~by permitting the executor, if any, appointed under the will of the deceased previous executor to be or become, as the case may be, the executor of the first estate by operation of law.~~

SECTION 18.

Said title is further amended by striking Code Section 53-6-20 of the "Revised Probate Code of 1998," relating to selection or appointment of an administrator, and inserting in its place the following:

"53-6-20.

An administrator may be unanimously selected by all the heirs of a deceased intestate unless the sole heir is the decedent's surviving spouse and an action for divorce or separate maintenance was pending between the deceased intestate and the surviving spouse at the time of death. With respect to any heir who is not sui juris, consent may be given by the guardian of the individual. When no such unanimous selection is made, the probate court shall make the appointment that will best serve the interests of the estate, considering the following order of preferences:

- (1) The surviving spouse, unless an action for divorce or separate maintenance was pending between the deceased intestate and the surviving spouse at the time of death;
- (2) One or more other heirs of the intestate or the person selected by the majority in interest of them;
- (3) Any other eligible person;
- (4) Any creditor of the estate; or
- (5) The county administrator."

SECTION 19.

Said title is further amended by striking subsection (a) of Code Section 53-6-30 of the "Revised Probate Code of 1998," relating to powers of the court to grant temporary letters of administration and appoint an administrator and appeals, and inserting in its place the following:

"(a) The probate court may at any time and without notice grant temporary letters of administration on an unrepresented estate to continue in full force and effect until the temporary administrator is discharged or a personal representative is appointed."

SECTION 20.

Said title is further amended by striking Code Section 53-6-31 of the "Revised Probate Code of 1998," relating to the powers of a temporary administrator, and inserting in its place the following:

"53-6-31.

A temporary administrator may bring an action for the collection of debts or for personal property of the decedent. If a personal representative is appointed pending the action, the personal representative may be made a party in lieu of the temporary administrator. A temporary administrator shall have the power to collect and preserve the assets of the estate and to expend funds for this purpose if approved by the judge of the probate court after such notice as the judge deems necessary."

SECTION 21.

Said title is further amended by striking subsection (c) of Code Section 53-6-50 of the "Revised Probate Code of 1998," relating to persons required to give bond, and inserting in its place the following:

"(c) A person petitioning to qualify as a personal representative of an intestate estate may be relieved from the requirement for giving bond by the unanimous consent of the heirs of the estate. With respect to any heir who is not sui juris, consent may be given by the guardian of the individual. ~~If there is no guardian, consent may be given by either parent of a minor heir or by a majority in interest of the heirs apparent of an incapacitated adult heir.~~ The personal representative of a deceased heir is authorized to consent for that heir. In no case may consent on behalf of an heir who is not sui juris be effective if the person consenting is the person petitioning to serve as personal representative."

SECTION 22.

Said title is further amended by striking subsection (c) of Code Section 53-6-51 of the "Revised Probate Code of 1998," relating to requisites of bonds, and inserting in its place the following:

"(c) The bond shall be in a sum equal to double the value of the estate to be administered; provided, however, that the bond shall be in an amount equal to the value of the estate if secured by a licensed commercial surety authorized to transact business in this state. The value of the estate for purposes of the bond shall be determined without regard to the value of any real property or improvements thereon held by the personal representative or temporary administrator as fiduciary but, upon the conversion of the real property into personalty, a new bond shall be given based upon the value of the estate, including the value of the personalty into which the real property was converted."

SECTION 23.

Said title is further amended by striking subsection (b) of Code Section 53-6-60 of the "Revised Probate Code of 1998," relating to the amount of compensation for a personal representative, and inserting in its place the following:

"(b) If the personal representative's compensation is not specified in the will or any separate written agreement, the personal representative for services rendered shall be entitled to compensation equal to:

- (1) Two and one-half percent commission on all sums of money received by the personal representative on account of the estate, except on money loaned by and repaid to the personal representative, and 2 1/2 percent commission on all sums paid out by the personal representative, either for debts, legacies, or distributive shares;
- (2) Ten percent commission on the amount of interest made if, during the course of administration, the personal representative shall receive interest on money loaned by the personal representative in that capacity and shall include the same on the return to the probate court so as to become chargeable therewith as a part of the corpus of the estate;
- (3) Reasonable compensation, as determined in the discretion of the probate court and after such notice, if any, as the court shall direct, for the delivery over of property in kind, not exceeding 3 percent of the appraised value and, in cases where there has been no appraisal, not over 3 percent of the fair value as found by the judge, irrespective of whether delivery over in kind is made pursuant to proceedings

for that purpose in the probate court and irrespective of whether the property, except money, is tangible or intangible, personal or real; and

(4) In the discretion of the probate court, compensation for working land for the benefit of the parties in interest in no case exceeding 10 percent of the annual income of the property so managed.”

SECTION 24.

Said title is further amended by striking Code Section 53-6-61 of the “Revised Probate Code of 1998,” relating to expenses of personal representatives, and inserting in its place the following:

“53-6-61.

Personal representatives shall be allowed reasonable expenses incurred in the administration of the estate, including without limitation expenses for travel, the expenses and premiums incurred in securing a bond, and the expenses of counsel and other agents. Such reasonable expenses shall be determined after such notice, if any, as the court shall direct.”

SECTION 25.

Said title is further amended by striking subsection (b) of Code Section 53-7-1 of the “Revised Probate Code of 1998,” relating to general powers and duties of personal representatives and additional powers, and inserting in its place the following:

“(b) As part of the petition for letters testamentary or letters of administration or by separate petition, the beneficiaries of a testate estate or the heirs of an intestate estate may, by unanimous consent, authorize but not require the probate court to grant to the personal representative any of the powers contained in Code Section 53-12-232. With respect to any beneficiary or heir who is not sui juris, the consent may be given by the guardian; or, if none, by either parent in the case of a minor or by a majority in interest of the heirs apparent in the case of an incapacitated adult, provided, however, ~~that such consent on behalf of an individual who is not sui juris shall not be effective when the only individual who is consenting is the individual who will serve or who is serving as the personal representative.~~ The personal representative of a deceased beneficiary or heir is authorized to consent on behalf of that beneficiary or heir. The grant of powers may only be ordered after publication of a citation and without any objection being filed. The citation shall be sufficient if it states generally that the petition requests that powers contained in Code Section 53-12-232 be granted.”

SECTION 26.

Said title is further amended by striking Code Section 53-7-30 of the “Revised Probate Code of 1998,” relating to filing and contents of an inventory, and inserting in its place the following:

“53-7-30.

Unless otherwise provided by will or relieved under Code Section 53-7-32 or 53-7-33, the personal representative shall prepare an inventory of all the property of the decedent. The personal representative shall file the inventory with the probate court and shall deliver a copy of the inventory to the beneficiaries of a testate estate or the heirs of an intestate estate by first-class mail within six months after the qualification of the personal representative. It shall not be necessary to mail a copy of the inventory to any beneficiary or heir who is not sui juris or for the court to appoint a guardian for such person. The time for filing the inventory may be extended by the probate court for good cause shown. The inventory shall state that it contains a true statement

of all the property of the decedent within the knowledge of the personal representative and shall be verified in the same manner as a petition filed in the probate court. The inventory shall state that the inventory has been mailed to all beneficiaries or heirs who are entitled to receive the inventory and shall provide the name of any beneficiary or heir who has waived the right to receive the inventory, as provided in Code Section 53-7-32.”

SECTION 27.

Said title is further amended by striking subsection (b) of Code Section 53-7-32 of the “Revised Probate Code of 1998,” relating to waiver of the right to receive the inventory and relieving the personal representative of the duty to make inventory, and inserting in its place the following:

“(b) By unanimous written consent, the beneficiaries of a testate estate or the heirs of an intestate estate may authorize the probate court to relieve the personal representative of the duty to make inventory in the same manner as described in subsection (b) of Code Section 53-7-1. Any such unanimous written consent, regardless of the date of execution, which relieves the personal representative from making inventory shall also relieve the personal representative from sending a copy of the inventory to the heirs or beneficiaries.”

SECTION 28.

Said title is further amended by striking Code Section 53-7-33 of the “Revised Probate Code of 1998,” relating to the power of a testator to dispense with making inventory, and inserting in its place the following:

“53-7-33.

A testator may, by will, dispense with the necessity of the personal representative’s making an inventory to the probate court or the beneficiaries or both, provided the same does not work any injury to creditors or persons other than beneficiaries under the will. If a will was executed in another state and the will is valid in this state and under the laws of the state where the will was executed the personal representative would not have been required to file inventories or if the will otherwise expresses an intent to relieve the personal representative from all reporting requirements, such a will shall be construed as dispensing with the necessity of inventories in Georgia, provided the same does not work any injury to creditors or parties other than beneficiaries under the will. In all wills, regardless of the date of execution, relief from making inventory with the court shall also relieve the personal representative from sending a copy of the inventory to the beneficiaries.”

SECTION 29.

Said title is further amended by striking Code Section 53-7-41 of the “Revised Probate Code of 1998,” relating to notice for creditors to render accounts and failure of creditors to give notice of claims, and inserting in its place the following:

“53-7-41.

The personal representative shall be allowed six months from the date of the qualification of the first personal representative to serve in which to ascertain the condition of the estate. ~~Every personal representative shall within 60 days from the date of qualification give notice by publication, as described in Chapter 11 of this title, for creditors of the estate to render an account of their demands. Every personal representative shall, within 60 days from the date of qualification, publish a notice directed generally to all of the creditors of the estate to render an account of their demands. The notice~~

shall be published once a week for four weeks in the official newspaper of the county in which the personal representative qualified. Creditors who fail to give notice of claims within three months from the date of publication of the personal representative's last notice shall lose all rights to an equal participation with creditors of equal priority to whom distribution is made before notice of such claims is brought to the personal representative, and they may not hold the personal representative liable for a misappropriation of the funds. If, however, there are assets in the hands of the personal representative sufficient to pay such debts and if no claims of greater priority are unpaid, the assets shall be thus appropriated notwithstanding failure to give notice."

SECTION 30.

Said title is further amended by striking Code Section 53-7-45 of the "Revised Probate Code of 1998," relating to compromise of claims, and inserting in its place the following:

"53-7-45.

Personal representatives are authorized to compromise, adjust, arbitrate, assign, sue or defend, abandon, or otherwise deal with or settle debts or claims in favor of or against the estate. A personal representative who declines to litigate any claim may assign the claim to a creditor or an heir of an intestate estate or a beneficiary of a testate estate for the purpose of prosecuting the claim at that person's own expense and, after reimbursement of the expenses to the creditor, heir, or beneficiary, any remaining proceeds shall be paid over to the personal representative for administration."

SECTION 31.

Said title is further amended by striking Code Section 53-7-50 of the "Revised Probate Code of 1998," relating to petition by a personal representative for discharge, citation and publication, hearings, and subsequently discovered estates, and inserting in its place the following:

"53-7-50.

(a) A personal representative who has fully performed all duties or who has been allowed to resign may petition the probate court for discharge from the office and from all liability. The petition shall state that the personal representative has fully administered the estate of the decedent and shall set forth the names and addresses of all known heirs of an intestate decedent or beneficiaries of a testate decedent, including any persons who succeeded to the interest of any heir or beneficiary who died after the decedent died, and shall name which of the heirs or beneficiaries is or should be represented by a guardian. The petition shall state that the personal representative has paid all claims against the estate or shall enumerate which claims of the estate have not been paid and the reason for such nonpayment. The petition shall also state that the personal representative has filed all necessary inventory and returns or, alternatively, has been relieved of such filings by the testator, the heirs or beneficiaries, or the probate court.

(b)(1) Subject to paragraphs (2) and (3) of this subsection, upon ~~Upon~~ the filing of a petition for discharge, citation shall issue to all heirs or beneficiaries, as provided in Chapter 11 of this title, requiring them to file any objections to the discharge, except that in all cases a citation shall be published one time in the newspaper in which sheriff's advertisements are published in the county in which the petition is filed at least ten days prior to the date on or before which any objection is required to be

filed. Any creditors whose claims are disputed shall be served in accordance with Chapter 11 of this title.

(2) Notwithstanding paragraph (1) of this subsection, it shall not be necessary to notify any heir or beneficiary who has relieved the personal representative of all liability or any heir or beneficiary with respect to whom the personal representative has been relieved of all further liability in a binding proceeding such as a settlement of accounts pursuant to Code Sections 53-7-60 through 53-7-63 or an intermediate report pursuant to Code Sections 53-7-73 through 53-7-76.

(3) For purposes of this Code section, a beneficiary is a person, including a trust, who is designated in a will to take an interest in real or personal property and who (A) has a present interest, including but not limited to a vested remainder interest but not including a trust beneficiary where there is a trustee who is not also the personal representative seeking discharge and (B) whose identity and whereabouts are known or may be determined by reasonable diligence.

(c) If any party in interest files objection to the discharge, a hearing shall be held. If as a result of the hearing, the probate court is satisfied that the personal representative has faithfully and honestly discharged the office, an order shall be entered releasing and discharging the personal representative from all liability. If no objections are filed, the probate court shall enter the order for discharge without further proceedings or delay. Any heir or beneficiary or creditor who is a minor at the time of the discharge and who is not represented by a guardian may, within two years of reaching the age of majority, commence suit against the personal representative and such discharge shall be no bar to the action.

(d) If other property of the estate is discovered after an estate has been settled and the personal representative discharged, the probate court, upon petition of any interested person and upon such notice as it directs, may appoint the same personal representative or a successor personal representative to administer the subsequently discovered estate. If a new appointment is made, unless the probate court orders otherwise, the provisions of this title shall apply as appropriate; but no claim previously barred may be asserted in the subsequent administration.

(e) A personal representative may petition the court solely for discharge from office by filing the petition described in subsection (a) of this Code section and by giving notice by publication one time in the official county newspaper and by first-class mail to all creditors of the estate whose claims have not been paid informing them of their right to file an objection and be heard as described in subsection (c) of this Code section."

SECTION 32.

Said title is further amended by striking Code Section 53-7-51 of the "Revised Probate Code of 1998," relating to disposition of unclaimed funds upon discharge, and inserting in its place the following:

"53-7-51.

If funds are in the hands of the personal representative and no person claims such funds, the probate court may nevertheless grant a discharge, ~~at the same time passing an order requiring the personal representative to deposit the funds in a solvent bank as the court may direct. The discharge shall not take effect until the money is deposited.~~"

SECTION 33.

Said title is further amended by striking Code Section 53-7-68 of the "Revised Probate Code of 1998," relating to mailing of the return to heirs and beneficiaries and relieving the personal representative of the duty to file a return, and inserting in its place the following:

"53-7-68.

(a) Upon filing the annual return with the probate court, the personal representative shall mail by first-class mail a copy of the return, but not the vouchers, to each heir of an intestate estate or each beneficiary of a testate estate. It shall not be necessary to mail a copy of the return to any heir or beneficiary who is not sui juris or for the court to appoint a guardian for such person. The personal representative shall file a verified statement with the probate court stating that all required mailings of the return to heirs or beneficiaries have been made.

(b) Any heir or beneficiary may waive individually the right to receive a copy of the annual return by a written statement that is delivered to the personal representative. Such waiver may be revoked in writing at any time.

(c) By unanimous written consent, the heirs of an intestate estate or the beneficiaries of a testate estate may authorize the probate court to relieve the personal representative from filing annual returns with them or with the court or both, in the same manner as provided in subsection (b) of Code Section 53-7-1. Any such unanimous written consent, regardless of the date of execution, which relieves the personal representative from filing annual returns with the court shall also relieve the personal representative from sending a copy of the return to the beneficiaries."

SECTION 34.

Said title is further amended by striking Code Section 53-7-69 of the "Revised Probate Code of 1998," relating to power of a testator to dispense with the necessity of a return, and inserting in its place the following:

"53-7-69.

A testator may, by will, dispense with the necessity of the personal representative's filing an annual return with the probate court or the beneficiaries or both, provided the same does not work any injury to creditors or persons other than beneficiaries under the will. If a will was executed in another state and the will is valid in this state and under the laws of the state where the will was executed the personal representative would not have been required to file annual returns or if the will otherwise expresses an intent to relieve the personal representative from all reporting requirements, such a will shall be construed as dispensing with the necessity of annual returns in Georgia, provided the same does not work any injury to creditors or parties other than beneficiaries under the will. In all wills, regardless of the date of execution, relief from filing returns with the court shall also relieve the personal representative from sending a copy of the return to the beneficiaries."

SECTION 35.

Said title is further amended by striking subsection (c) of Code Section 53-7-73 of the "Revised Probate Code of 1998," relating to the filing and contents of an intermediate report and notice to heirs and beneficiaries, and inserting in its place the following:

"(c) The probate court, upon the petition and return being filed, shall issue a citation and shall require any objections to be filed ~~on the date set for the hearing fixed by the court at a regular term of the court that convenes not less than 20 days after the date~~

of filing of the petition in conformity with Chapter 11 of this title. Service shall be made on the heirs of an intestate estate or the beneficiaries of a testate estate or such other persons as the court requires in conformity with Chapter 11 of this title.

SECTION 36.

Said title is further amended by striking Code Section 53-7-74 of the "Revised Probate Code of 1998," relating to filing of objections to intermediate reports, continuation of hearings, and appeals, and inserting in its place the following:

"53-7-74.

At or before the time fixed for hearing, any parties at interest may file objections to the personal representative's report, actions, and accounting, in which case the hearing on the accounting shall be automatically continued until ~~the next regular term of the probate court~~ a date certain, when, subject to the court's power to grant continuances, the same shall be heard as other cases pending in the court with like right of appeal to the superior court; in such case, an appeal by consent may be taken to the superior court. Such appellate procedures shall not apply to cases provided for by Article 6 of Chapter 9 of Title 15. The parties at interest who have been served appropriately and who have filed no objections to the report and accounting need not be served with notice of an appeal or any other or further proceedings, and their consent shall not be required for an appeal to the superior court."

SECTION 37.

Said title is further amended by striking Code Section 53-9-14 of the "Revised Probate Code of 1998," relating to reports of conservators and court orders, and inserting in its place the following:

"53-9-14.

The conservator shall within 60 days after appointment make a written report to the probate court setting forth the condition of the estate of the missing individual, together with a schedule of any debts that may be owed by the missing person, an estimate of the income from the estate and the expenses necessary to its preservation, ~~and a statement showing the names, ages, and condition of any individuals who may have been dependent on the missing person for support, and a recommendation as to how the estate should be distributed.~~ The court, after considering the report and making any further investigation the court may deem necessary, shall make such order as will most effectively tend to provide for the support of any individuals who may have been dependent upon the missing individual for support and for the handling of the property, including any business or business interest, owned by the missing person. The order may provide for the payment of those debts of the missing person as the court deems just and proper. ~~The order~~ An order of an appropriate court may allow the conservator to engage in such estate planning dispositions of the missing person's property as are authorized by Code Section 29-5-5.1. The order may be modified in the discretion of the court at any time upon petition by the conservator, any individual dependent upon the missing individual for support, the guardian of any such individual, or any person having an interest in the property or in any business of the missing individual."

SECTION 38.

Said title is further amended by striking subsections (a) and (b) of Code Section 53-11-2 of the "Revised Probate Code of 1998," relating to the definition of "guardian," persons

represented, appointment, successors, and guardians named in petition, and inserting in their place the following:

“(a) As used in this Code section, the term ‘guardian’ means the guardian ad litem appointed by the probate court who may represent a single party or more than one party or a class of parties with common or nonadverse interests; provided, however, that the court may determine for the purpose of the particular proceeding that the natural guardian, if any, or the testamentary guardian, if any, or the duly constituted guardian of the property, if any, or the duly constituted guardian of the person, if any, has no conflict of interest and thus may ~~serve as guardian~~ represent for the purpose of the proceeding for a party who is not sui juris, who is unborn, or who is unknown.

(b) When a party to a proceeding in the probate court is not sui juris, is unborn, or is unknown, that party shall be represented in the proceeding by a guardian ~~as defined in subsection (a) of this Code section~~. Service upon or notice to a guardian shall constitute service upon or notice to the party represented and no additional service upon or notice to such party shall be required. Waivers, acknowledgments, consents, answers, objections, or other documents executed by the guardian shall be binding upon the party represented.”

SECTION 39.

Said title is further amended by striking subsection (d) of Code Section 53-11-3 of the “Revised Probate Code of 1998,” relating to personal service generally, and inserting in its place the following:

“(d) Individuals who are not sui juris shall be served as provided in this ~~Code section chapter~~ or as provided in Code Section 15-9-17. ~~Incapacitated individuals who are residents of this state but are confined in another state may be served by service on a guardian ad litem appointed in this state.~~”

SECTION 40.

Said title is further amended by striking subsection (b) of Code Section 53-11-6 of the “Revised Probate Code of 1998,” relating to waivers or acknowledgment of service or notice and consent to granting of relief or entry of an order, and inserting in its place the following:

“(b) Except as otherwise prescribed by law, the written consent of a party to the granting of any relief or the entry of any order sought in a proceeding, whether executed before or after the filing of the petition, shall constitute a waiver and acknowledgment of notice and service of the proceedings, waiver of citation, entry of appearance, answer admitting all allegations of fact set forth in the petition as true and correct, and ~~irrevocable~~ consent to the granting of the relief or the order sought.”

SECTION 41.

Said title is further amended by striking subsection (a) of Code Section 53-11-9 of the “Revised Probate Code of 1998,” relating to issuance of citation upon filing of a petition, contents, and meaning, and inserting in its place the following:

“(a) Upon the filing of a petition, a citation shall be issued addressed to the persons required to be served and entitled to notice; provided, however, if all parties have acknowledged service and assented to the petition, no citation need issue. The citation shall state that any objection must be made in writing and shall designate the date on or before which objections must be filed in the probate court. The citation also shall state whether the hearing will take place on a certain date or be specially scheduled for a later date. ~~Where appropriate, the citation shall state that if no objections are~~

filed, the petition will be granted With respect to all proceedings under this title, the citation, if any, may state that if no objections are filed the petition may be granted without a hearing.

SECTION 42.

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

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

	Abernathy		Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins		Scott
Y	Brush	Y	James		Starr
Y	Burton	Y	Johnson,D	EX	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 49, nays 0.

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

HB 1227. By Representatives Martin of the 47th, Allen of the 117th, Hecht of the 97th and others:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to retirement and pensions, so as to correct typographical, stylistic, and other errors and omissions in Title 47 of the Official Code of Georgia Annotated, and in Acts of the General Assembly amending Title 47 of the Official Code of Georgia Annotated.

Senate Sponsor: Senator Egan of the 40th.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y	Abernathy	Y	Boshears	Y	Brown, 26th
Y	Balfour	Y	Bowen	Y	Brush
Y	Blitch	Y	Broun, 46th	Y	Burton

Y Cagle	Y Huggins	Y Ralston
Y Cheeks	Y James	Y Ray
Y Clay	Y Johnson,D	Y Roberts
Y Crotts	Y Johnson,E	Scott
Y Dean	Y Kemp	Y Starr
Y Egan	Y Lamutt	EX Stokes
Y Fort	Y Land	Y Streat
Y Gillis	Langford	Y Tanksley
Y Glanton	Y Madden	Y Taylor
Y Gochenour	Marable	Y Thomas,D
Y Griffin	Middleton	Y Thomas,N
Y Guhl	Y Oliver	Y Thompson
Y Harbison	Y Perdue	Y Turner
Y Henson	Y Price,R	Y Tysinger
Y Hill	Y Price,T	Walker
Y Hooks	Ragan	

On the passage of the bill, the yeas were 49, nays 0.

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

HB 1372. By Representative Polak of the 67th:

A bill to amend Chapter 5 of Title 10 of the Official Code of Georgia Annotated, relating to securities, so as to make certain changes to conform with the federal National Securities Markets Improvements Act of 1996.

Senate Sponsor: Senator Henson of the 55th.

The Senate Committee on Banking and Financial Institutions offered the following substitute to HB 1372:

A BILL

To be entitled an Act to amend Chapter 5 of Title 10 of the Official Code of Georgia Annotated, relating to securities, so as to make certain changes to conform with the federal National Securities Markets Improvements Act of 1996; to change and add definitions; to provide for the limited regulation of federal covered advisers and out-of-state investment advisers; to impose notice filing and fee requirements on issuers of federal covered securities; to change provisions relating to securities exempt from registration and exempt transactions; to change provisions relating to service of process; to include references to federal covered advisers in provisions governing unlawful practices; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 5 of Title 10 of the Official Code of Georgia Annotated, relating to securities, is amended by striking paragraphs (14), (15), and (25) of subsection (a) of Code Section 10-5-2, relating to definitions and rules of construction, and inserting in lieu thereof new paragraphs to read as follows:

“(13.1) ‘Federal covered adviser’ means a person who is registered with the Securities and Exchange Commission pursuant to Section 203 of the federal Investment Advisers Act of 1940.

“(13.2) ‘Federal covered security’ means any security that is a covered security under Section 18(b) of the Securities Act of 1933 or regulations promulgated thereunder.

(14) 'Investment adviser' means any person who, for compensation, engages in the business of advising others, either directly or through publications or writings, as to the value of securities or as to the advisability of investing in, purchasing, or selling securities or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities. As used in this chapter, the term 'certified public accountant' means a certified public accountant or a firm thereof, registered pursuant to Chapter 3 of Title 43. 'Investment adviser' shall also include any person who holds himself or herself out as a 'financial planner' or 'investment adviser' other than a certified public accountant. The term 'investment adviser' does not include a person who is excluded from the definition of 'investment adviser' under Section 202(a)(11) of the federal Investment Advisers Act of 1940; a 'federal covered adviser' as defined in paragraph (13.1) of this subsection; or a certified public accountant whose performance of investment advisory services is solely incidental to the practice of his or her profession or who does not accept or receive, directly or indirectly, any commission, payment, referral, or other form of remuneration as a result of the purchase or sale of a specific security by a client, does not recommend the purchase or sale of specific securities, and does not have custody of client funds or securities for investment purposes. A person shall not be considered an investment advisor solely as a result of using a nationally recognized designation such as Certified Financial Planner, Chartered Financial Consultant, Personal Financial Specialist, or a similar designation as determined by the office of Secretary of State. Unless they hold themselves a person holds himself or herself out as such, the term 'investment adviser' also does not include (i) an investment adviser representative; (ii) a lawyer, engineer, or teacher whose performance of investment advisory services is solely incidental to the practice of his or her profession; (iii) a securities dealer or his or her agent whose performance of these services is solely incidental to the conduct of his or her business as a securities dealer and who receives no special compensation for them such services; (iv) a publisher of any newspaper, news column, newsletter, news magazine, or business or financial publication or service, whether communicated in hard copy form, by electronic means, or otherwise, that does not consist of the rendering of advice on the basis of the specific situation of each client; or (v) such other persons not within the intent of this paragraph; as the commissioner may designate by rule or order. ~~The term 'investment adviser' also does not include the following unless they are required to be registered as an investment adviser pursuant to the Investment Advisers Act of 1940, as amended, or rules, regulations, or interpretations thereunder: a bank, a bank holding company as defined in the Bank Holding Company Act of 1956, which is not an investment company, a savings institution, a credit union, or a trust company or any employees of such entities.~~

(15) 'Investment adviser representative' means:

(A) With respect to an investment adviser, any individual, other than an investment adviser, who is a partner, officer, or director (or a person occupying a similar status or performing similar functions) of an investment adviser or any other individual who, on behalf of an investment adviser, engages in the business of advising others as to the value of securities or as to the advisability of investing in, purchasing, or selling securities or who, for compensation and as part of a regular business, issues or promulgates analyses or reports concerning securities; or

(B) With respect to a federal covered adviser, any individual defined as an 'investment adviser representative' by Rule 203A-3 of the Securities and Exchange Com-

mission under the federal Investment Advisers Act of 1940, Section 275.203A, provided such representative has a 'place of business,' as defined by Rule 203A-3, in this state."

"(25) 'Salesman' 'Salesperson' means an individual, other than a dealer or limited dealer registered under this chapter, employed or appointed or authorized by a dealer, limited dealer, or issuer to sell securities in this state. The general partners or executive officers of a dealer or a limited dealer engaged in the offer or sale of securities and any general partners of an issuer or executive officers of any general partner of an issuer or executive officers of an issuer offering or selling securities of such issuer shall not be deemed to be salesmen salespersons within the meaning of this definition unless they are paid a commission for the sale of such securities. Any remuneration paid which is directly related to the sale of securities shall be considered a commission for the purposes of this paragraph. The term 'salesperson' does not include an individual who represents a dealer in effecting only transactions in this state which are described in Section 15(h)(2) of the Securities Exchange Act of 1934 or an individual who represents an issuer in effecting transactions in a federal covered security as described in Sections 18(b)(3) or 18(b)(4)(D) of the Securities Act of 1933."

SECTION 2.

Said chapter is further amended by striking Code Section 10-5-3, relating to registration of dealers, salespersons, investment advisers, and investment adviser representatives, and inserting in lieu thereof a new Code Section to read as follows:

"10-5-3.

(a) Generally. No dealer, limited dealer, salesman salesperson, or limited salesman salesperson, as defined by this chapter, shall offer for sale or sell any securities within or from this state, except in transactions exempt under paragraph (1), (2), (6), (7), (8), (9), (11), or (12) of Code Section 10-5-9, unless he or she is a registered dealer, limited dealer, salesman salesperson, or limited salesman salesperson pursuant to this Code section; provided, however, that a real estate broker or salesman salesperson licensed to sell real estate in this state shall not be required to register as a dealer or a limited dealer or as a salesman salesperson or a limited salesman salesperson under this chapter in connection with a sale by him or her of a security consisting of any interest in a residential unit and any rental management arrangement relating thereto. No investment adviser or investment adviser representative, as defined by this chapter, shall transact business within or from this state unless he or she is a registered investment adviser or investment adviser representative pursuant to this Code section.

(b) Applicability of subsection subsections (a) and (g). The provisions of subsection subsections (a) and (g) of this Code section regarding investment advisers, federal covered advisers, or investment adviser representatives shall not apply to:

- (1) Any investment adviser, federal covered advisers, or investment adviser representative whose only clients are insurance companies; or
- (2) Any investment adviser, federal covered advisers, or investment adviser representative who during the course of the preceding 12 months has had fewer than 15 six clients in this state and who neither holds himself out generally to the public as an investment adviser or investment adviser representative nor acts as an investment adviser to any investment company registered under the Investment Company Act of 1940.

(c)Dealers and limited dealers. Application for registration as a dealer or limited dealer may be made by any person. Such application for registration shall be made in a manner prescribed by the commissioner, shall be verified by the applicant, shall be filed with the commissioner, and shall contain the following information:

- (1) The name of the applicant;
- (2) The address of the principal place of business of the applicant and the addresses of all branch offices of the applicant in this state;
- (3) The form of business organization and the date of organization of the applicant;
- (4) The names and business addresses of all general partners, limited partners, directors, affiliates, or executive officers of the applicant; a statement of the limitations, if any, of the liability of any general partner, limited partner, director, affiliate, or executive officer; and a statement setting forth in chronological order the occupational activities of each such general partner, limited partner, director, affiliate, or executive officer during the preceding ten years;
- (5) A brief description of the general character of the business conducted or proposed to be conducted by the applicant;
- (6) A list of any other states in which the applicant is registered as a securities broker, dealer, or ~~salesman~~ salesperson and, if registration of the applicant as a securities broker, dealer, or ~~salesman~~ salesperson has ever been denied, revoked, suspended, or withdrawn or if such a proceeding is pending in any state, full details with respect thereto;
- (7) Whether the applicant is registered as a broker or dealer under the Securities Exchange Act of 1934 or any act adopted in amendment thereof and whether any such registration of the applicant has ever been denied, revoked, or suspended or is then the subject of proceedings for revocation or suspension by the Securities and Exchange Commission;
- (8) The names of all organizations of securities brokers or dealers of which the applicant is a member or before which any application for membership on the part of the applicant is then pending and whether any membership of the applicant in any such organization has ever been denied, revoked, or suspended or is then the subject of proceedings for revocation or suspension;
- (9) The names of any securities exchanges of which the applicant or any of its partners, limited partners, directors, affiliates, or executive officers is a member and whether any such membership has ever been denied, revoked, or suspended or is then the subject of proceedings for revocation or suspension;
- (10) A balance sheet as of a date within 90 days prior to the date of filing. This balance sheet need not be certified. If the balance sheet is not certified, there shall be filed in addition a certified balance sheet as of a date within one year prior to the date of filing unless the fiscal year of the applicant has ended within 90 days prior to the date of filing, in which case the balance sheet may be dated as of the end of the fiscal year preceding such last fiscal year. Such balance sheets shall be prepared in accordance with generally accepted accounting principles and, if required to be certified, shall be certified by an independent public accountant duly registered and in good standing as such under the laws of the place of his or her residence or principal office;
- (11) Whether the applicant or any general partner, limited partner, director, affiliate, or executive officer of such applicant has ever been subject to any injunction or

disciplinary proceeding of the Securities and Exchange Commission or any state securities commission involving a security or any aspect of the securities business, has ever been convicted of or charged with a misdemeanor of which fraud is an essential element or which involves a security or any aspect of the securities business, or has ever been convicted of or charged with a felony and, if so, all pertinent information with respect to such injunction, disciplinary proceeding, conviction, or charge.

The commissioner may waive the furnishing of any information required by this subsection (other than the requirements with respect to financial statements provided for in paragraph (10) of this subsection) and may require such additional information as to the previous history, records, or association of the applicant, its general partners, limited partners, directors, affiliates, or executive officers as he or she may deem necessary to establish whether or not the applicant should be registered as a dealer under this chapter.

No applicant shall be registered as a dealer or limited dealer under this chapter nor shall any such registration be renewed, unless each principal of such applicant has passed a written examination administered by the commissioner or someone acting under his or her direction, or unless such applicant presents proof satisfactory to the commissioner showing that each principal has previously passed a similar examination conducted by the National Association of Securities Dealers, Inc., or any other examination substantially similar to that given by the commissioner, as the commissioner may determine. The commissioner is further authorized to prescribe the time, manner, or procedure relative to the holding of such examination and may impose a fee against each principal taking said examination to cover the costs thereof. For the purposes of this subsection only, with respect to a dealer or an applicant for registration as a dealer, the term 'principal' refers to a person associated with such dealer or applicant who is engaged in the management of such dealer's or applicant's business, including the supervision, solicitation, or conduct of such business or the training of persons associated with such dealer or applicant for any of these functions.

There shall be filed with such application an irrevocable written consent of the applicant to the service of process upon the commissioner in actions against such applicant in the manner and form provided in Code Section 10-5-18 and payment of the prescribed registration fee.

When an applicant has fully complied with this subsection and subsections (i) and (j) and (k) of this Code section, the commissioner shall register such applicant as a dealer unless he or she shall find that the applicant is not of good business reputation or does not appear qualified by training or experience to act as a dealer in securities. When the commissioner has registered an applicant as a dealer, he or she shall immediately notify the applicant of such registration.

The procedure and requirements relative to the registration of a dealer as provided in this subsection shall likewise apply to the registration of a limited dealer, except that an applicant for registration as a limited dealer shall furnish the commissioner, as part of his or her application, information as to the particular issue or class or type of securities with respect to which he or she desires to act as a dealer. Any license, certificate, or other evidence of registration issued by the commissioner to a limited dealer shall specify the issue or class or type of securities with respect to which such registration authorizes such limited dealer to act as a dealer.

(d) ~~Salesmen~~ Salespersons and limited ~~salesmen~~ salespersons. Application for registration as a ~~salesman~~ salesperson or a limited ~~salesman~~ salesperson may be made by any

individual. Such application for registration shall be made in a manner prescribed by the commissioner, shall be verified by the applicant and by the dealer, limited dealer, or issuer employing or proposing to employ such applicant, shall be duly verified under oath, shall be filed with the commissioner, and shall contain the following information:

- (1) Name and residence and business addresses of the applicant;
- (2) Name of the dealer, limited dealer, or issuer employing or proposing to employ the applicant;
- (3) Names and addresses of three persons of whom the commissioner may inquire as to the character and business reputation of the applicant;
- (4) Applicant's age and education;
- (5) The nature of employment and names and addresses of employers of the applicant for the period of ten years immediately preceding the date of application;
- (6) Other state or federal laws under which the applicant has ever been registered as a securities broker, dealer, or ~~salesman~~ salesperson and, if any such registration has ever been refused, canceled, suspended, or revoked or if such a proceeding is pending, full details with respect thereto; and
- (7) Whether the applicant has ever been subject to any injunction or disciplinary proceeding of the Securities and Exchange Commission or any state securities commission involving a security or any aspect of the securities business, has ever been convicted of or charged with a misdemeanor of which fraud is an essential element or which involves a security or any aspect of the securities business, or has ever been convicted of or charged with a felony, and, if so, all pertinent information with respect to such injunction, disciplinary proceeding, conviction, or charge.

The commissioner may waive the furnishing of any information required by this subsection and may require such additional information as to applicant's previous business experience as he or she may deem necessary to determine whether or not the applicant should be registered as a ~~salesman~~ salesperson under the provisions of this chapter. There shall be filed with such application payment of the prescribed registration fee.

When an applicant has fully complied with the provisions of this subsection and subsections ~~(i) and (j)~~ and (k) of this Code section, the commissioner shall register such applicant as a ~~salesman~~ salesperson, unless he or she finds that such applicant is not of good business reputation or does not appear to be qualified by training, experience, or knowledge of the securities business to act as a ~~salesman~~ salesperson of securities. When the commissioner has registered an applicant as a ~~salesman~~ salesperson, he or she shall immediately notify the applicant of such registration.

No dealer, limited dealer, or issuer shall employ any ~~salesman~~ salesperson or limited ~~salesman~~ salesperson who is not registered as required by this chapter, and each such person shall promptly notify the commissioner of the termination of the employment by him or her of a ~~salesman~~ salesperson or limited ~~salesman~~ salesperson; and the registration of such ~~salesman~~ salesperson or limited ~~salesman~~ salesperson shall automatically be terminated from the time of termination of such employment. Any license, certificate, or other evidence of such registration which such ~~salesman~~ salesperson or limited ~~salesman~~ salesperson has been issued shall immediately be returned to the commissioner.

The procedure relative to the registration of a salesman salesperson as provided in this subsection shall likewise apply to the registration of a limited salesman salesperson, except that an applicant for registration as a limited salesman salesperson shall furnish the commissioner with information as to the particular issue or class or type of securities which he or she desires to sell or offer for sale. Any license, certificate, or other evidence of registration issued by the commissioner to a limited salesman salesperson shall specify the issue or class or type of securities which such registration authorizes such limited salesman salesperson to sell or offer for sale.

No applicant shall be registered as a salesman salesperson or limited salesman salesperson under this chapter nor any such registration be renewed, unless such person has passed a written examination administered by the commissioner or someone acting under his or her direction or unless such applicant presents proof satisfactory to the commissioner showing that he or she has previously passed a similar examination conducted by the National Association of Securities Dealers, Inc., or any other examination substantially similar to that given by the commissioner, as the commissioner may determine. The commissioner is further authorized to prescribe the time, manner, and procedure relative to the holding of such examination and may impose a fee against the applicant taking said examination to cover the costs thereof.

There shall be filed with such application an irrevocable written consent of the applicant to the service of process upon the commissioner in actions against the applicant in the manner and form provided in Code Section 10-5-18.

In addition to the requirements of this subsection, an application for registration by any individual who, upon registration, would be a designated salesman salesperson shall contain a certification that the applicant has completed or has begun and will complete a four-month period of training with a dealer or designated dealer registered under this chapter before offering to sell, selling, offering to purchase, or purchasing any designated security.

(e)Investment advisers. Application for registration as an investment adviser may be made by any person. Such application for registration shall be made in a manner prescribed by the commissioner, shall be verified by the applicant, shall be filed with the commissioner, and shall contain the following information:

- (1) The name and form of organization under which the investment adviser engages or intends to engage in business in this state;
- (2) The name of the state or other sovereign power under which such investment adviser is organized;
- (3) The location of the investment adviser's principal place of business and branch offices, if any;
- (4) The names and addresses of the investment adviser's partners, officers, directors, and persons performing similar functions, or, if such an investment adviser is an individual, the name and residence and business addresses of such individual;
- (5) The number of the investment adviser's employees;
- (6) The education, the business affiliations for the past ten years, and the present business affiliations of such investment adviser and of such investment adviser's partners, officers, directors, and persons performing similar functions and of any controlling person thereof;
- (7) The nature of the business of such investment adviser, including the manner of giving advice and rendering analyses or reports;

(8) Investment advisers with custody of client funds or securities or requiring prepayment of more than \$500.00 in fees per client six or more months in advance must provide a balance sheet for the most recent fiscal year. Said balance sheet shall be prepared in accordance with generally accepted accounting principles and shall, as the commissioner may by rule specify, be audited by an independent public accountant;

(9) The nature and scope of the authority of such investment adviser with respect to clients' funds and accounts;

(10) The basis or bases upon which such investment adviser is compensated;

(11) Whether such investment adviser, any investment adviser representative, or any person associated with such investment adviser is subject to any disqualification which would be a basis for denial, suspension, or revocation of registration of such investment adviser under the provisions of subsection ~~(g)~~ (h) of this Code section or under the provisions of Code Section 10-5-4 of this chapter; and

(12) A statement as to whether the principal business of such investment adviser consists or is to consist of acting as investment adviser, and a statement as to whether a substantial part of the business of such investment adviser consists or is to consist of rendering investment supervisory services.

The commissioner may waive the furnishing of any information required by this subsection and may require such additional information as to the previous history, records, or association of the applicant, its general partners, limited partners, directors, affiliates, or executive officers as he or she may deem necessary to establish whether or not the applicant should be registered as an investment adviser under this chapter. The commissioner may further, if he or she finds it to be in the best interests of the public, by rule or regulation create procedures and exemptions relating to investment advisers which procedures and exemptions would have as their objectives compatibility with federal exemptions and uniformity among the states.

No applicant shall be registered as an investment adviser under this chapter nor shall any such registration be renewed unless the applicant, if an individual, and each investment adviser representative of such applicant has passed a written examination approved by the commissioner.

There shall be filed with such application an irrevocable written consent of the applicant to the service of process upon the commissioner in actions against such applicant in the manner and form provided in Code Section 10-5-18 and payment of the prescribed registration fee.

When an applicant has fully complied with this subsection and subsection ~~(i)~~ (j) of this Code section, the commissioner shall register such applicant as an investment adviser unless he or she shall find that the applicant is not of good business reputation or does not appear qualified by training or experience to act as an investment adviser. When the commissioner has registered an applicant as an investment adviser, he or she shall immediately notify the applicant of such registration.

(f) Investment adviser representatives. Application for registration as an investment adviser representative may be made by any individual. Such application for registration shall be made in a manner prescribed by the commissioner, shall be verified by the applicant and by the investment adviser or federal covered adviser employing or proposing to employ such applicant, shall be filed with the commissioner, and shall contain the following information:

- (1) Name and residence and business addresses of the applicant;
- (2) Name of the investment adviser or federal covered adviser employing or proposing to employ the applicant;
- (3) Applicant's age and education;
- (4) The nature of employment and names and addresses of employers of the applicant for the period of ten years immediately preceding the date of application;
- (5) Other state or federal laws under which the applicant has ever made a notice filing or been registered as an investment adviser or investment adviser representative and, if any such registration or notice filing has ever been refused, canceled, suspended, or revoked or, if such a proceeding is pending, full details with respect thereto; and
- (6) Whether the applicant has ever been subject to any injunction or disciplinary proceeding of the Securities and Exchange Commission or any state securities commission involving a security or any aspect of the securities or investment advisory business, has ever been convicted of or charged with a misdemeanor of which fraud is an essential element or which involves a security or any aspect of the securities business, or has ever been convicted of or charged with a felony and, if so, all pertinent information with respect to such injunction, disciplinary proceeding, conviction, or charge.

The commissioner may waive the furnishing of any information required by this subsection and may require such additional information as to the applicant's previous business experience as he or she may deem necessary to determine whether or not the applicant should be registered as an investment adviser representative under the provisions of this chapter. There shall be filed with such application payment of the prescribed registration fee. The commissioner may further, if he or she finds it to be in the best interests of the public, by rule or regulation create procedures and exemptions relating to investment adviser representatives which procedures and exemptions would have as their objectives compatibility with federal exemptions and uniformity among the states.

When an applicant has fully complied with the provisions of this subsection and subsection (i) (j) of this Code section, the commissioner shall register such applicant as an investment adviser representative, unless he or she finds that such applicant is not of good business reputation or does not appear to be qualified by training, experience, or knowledge of the securities business to act as an investment adviser representative. When the commissioner has registered an applicant as an investment adviser representative, the applicant shall be immediately notified of such registration.

No investment adviser shall employ any investment adviser representative who is not registered as required by this chapter, and each such person shall promptly notify the commissioner of the termination of the employment by him or her of an investment adviser representative; and the registration of such investment adviser representative shall automatically be terminated from the time of termination of such employment. No investment adviser representative shall conduct business on behalf of a federal covered adviser unless such representative is registered as required by this chapter. An investment adviser representative of a federal covered adviser shall promptly notify the commissioner of the termination of his or her employment with the adviser and such representative's registration shall automatically terminate as of the date the employment terminated.

No applicant shall be registered as an investment adviser representative under this chapter nor any such registration be renewed, unless such person has passed a written examination approved by the commissioner.

There shall be filed with such application an irrevocable written consent of the applicant to the service of process upon the commissioner in actions against the applicant in the manner and form provided in Code Section 10-5-18.

(g)Federal covered advisers. No federal covered adviser shall transact business within, into, or from this state unless such adviser has made a notice filing with the commissioner. Such notice filing shall consist of a copy of those documents filed by the adviser with the Securities and Exchange Commission that the commissioner, by rule or regulation, requires to be filed together with the fee required by subsection (j) of this Code section. A notice filing shall be effective upon receipt by the commissioner.

(h)Refusal of registration; finding applicant 'not of good reputation.' If, after affording an applicant a hearing or an opportunity for a hearing as provided in Code Section 10-5-16, the commissioner finds that there are sufficient grounds to refuse to register the applicant as provided in this Code section, he or she shall issue an order refusing to register the applicant. The order shall state specifically the grounds for its issuance. A copy of the order shall be mailed to the applicant at his or her business address and, if the application is for registration as a salesman salesperson, limited salesman salesperson, or investment adviser representative, to the dealer, limited dealer, issuer, or investment adviser who proposed to employ such applicant.

If the commissioner shall find that an applicant has committed any act or made any omission which would constitute a sufficient ground for revocation of a dealer's, limited dealer's, salesman's salesperson's, limited salesman's salesperson's, investment adviser's, or investment adviser representative's registration under Code Section 10-5-4, such act or omission may constitute a sufficient ground for a finding by the commissioner, under subsection (c), (d), (e), or (f) of this Code section, that such applicant is not of 'good business reputation.'

(i)Expiration and renewal of registration or notice filing.

(1) Every registration and every notice filing under this Code section shall expire on December 31 in each year.

(2) Registration of dealers, limited dealers, ~~salesmen~~ salespersons, limited ~~salesmen~~ salespersons, investment advisers, and investment adviser representatives must be renewed each year by the submission of a renewal application containing the information required in an application for registration, to the extent that such information has not previously been included in an application or renewal application previously filed, by the payment of the proper registration fee, and, in the case of a dealer or limited dealer, by the filing of a balance sheet as of a date within 90 days prior to the date of filing. This balance sheet need not be certified. If the balance sheet is not certified, there shall be filed in addition a certified balance sheet as of a date within one year of the date of filing unless the fiscal year of the applicant has ended within 90 days prior to the date of filing, in which case the balance sheet may be dated as of the end of the preceding fiscal year. Such balance sheets shall be prepared in accordance with generally accepted accounting principles and, if required to be certified, shall be certified by an independent public accountant duly registered and in good standing as such under the laws of the place of his or her residence or principal office. The commissioner may provide by rule or regulation that a dealer or limited dealer which is registered under the Securities Exchange Act of 1934 may

file with such dealer's renewal application a copy of such dealer's financial statements prepared pursuant to the Securities Exchange Act of 1934 in lieu of a balance sheet.

(3) Investment advisers with custody of client funds or securities or requiring prepayment of more than \$500.00 in fees per client six or more months in advance must provide a balance sheet for the most recent fiscal year. Said balance sheet shall be prepared in accordance with generally accepted accounting principles and shall, as the commissioner may by rule specify, be audited by an independent public accountant.

(4) Upon any change in the general partners, limited partners, directors, affiliates, or executive officers of a dealer, limited dealer, or investment adviser, such dealer, limited dealer, or investment adviser shall promptly notify the commissioner and shall furnish to him or her in writing such information concerning such persons which has not previously been filed as required in an original application for registration. Upon any change in the general partners, limited partners, directors, affiliates, or executive officers of a federal covered adviser, such adviser shall provide the commissioner with a copy of any information concerning such change at the same time such information is filed with the Securities and Exchange Commission.

(i)(j) Fees. The fee for the initial registration of a dealer, limited dealer, or investment adviser, or the initial notice filing by a federal covered adviser, shall be \$250.00. The annual renewal fee for a dealer, limited dealer, or investment adviser, or federal covered adviser shall be \$100.00. The initial registration fee and transfer fee for each salesman salesperson, limited salesman salesperson, and investment adviser representative shall be \$50.00. The annual renewal fee for each salesman salesperson, limited salesman salesperson, and investment adviser representative shall be \$40.00.

(j)(k) Bonds.

(1) Except as otherwise provided in this subsection, no applicant shall be registered as a dealer, limited dealer, salesman salesperson, or limited salesman salesperson under this chapter nor shall any such registration be renewed until the applicant files with the commissioner bond satisfactory to the commissioner in the sum of \$25,000.00 as to dealers and limited dealers and \$2,500.00 as to salesmen salespersons and limited salesmen salespersons, payable to the State of Georgia for the use of all interested persons and conditioned upon the faithful compliance by the principal with any and all provisions of this chapter and any regulations and orders issued by the commissioner. Any such bond may be canceled by the principal or surety by giving notice to the commissioner, but such cancellation shall not affect any cause of action accruing thereon prior to cancellation and such cancellation shall result in automatic cancellation of the principal's registration until new bond satisfactory to the commissioner is filed. Any action on such bond must be brought within two years after accrual of the cause of action. The amounts above-prescribed for the bonds required of salesmen salespersons, limited salesmen salespersons, dealers, and limited dealers shall be construed as being the aggregate liability recoverable against such bonds, regardless of the number of claimants, and shall not be construed as individual liability.

(2)(A) The requirement for filing of such bond by an applicant for registration or renewal of registration as a dealer or limited dealer shall not be applicable if:

(i) Such applicant has ~~filed with the commissioner written proof of membership in the Securities Investor Protection Corporation and a written undertaking to~~

~~comply continuously with all applicable provisions of the Securities Investor Protection Act of 1970, U.S.C.A. 78aaa et seq. is registered under the Securities Exchange Act of 1934; or~~

(ii) As of the dates of the most recent balance sheet certified by an independent public accountant filed by such applicant pursuant to this Code section and any subsequent noncertified balance sheet so filed, such applicant had a minimum capital of not less than \$250,000.00. For the purposes of this division, minimum capital shall mean net worth as determined in accordance with generally accepted accounting principles, unless for the purposes of this division the commissioner shall adopt rules and regulations for determining the minimum capital of a dealer or limited dealer, in which case minimum capital shall be determined in accordance with such rules and regulations. The aforesaid balance sheets filed by such applicant shall be used to determine the applicant's minimum capital unless the commissioner shall have adopted the rules or regulations authorized in the preceding sentence, in which case the applicant's minimum capital shall be determined from schedules prepared in accordance with such rules and regulations. The schedule prepared as of the date of the certified balance sheet referred to above shall be certified as having been prepared in accordance with the rules or regulations adopted by the commissioner, as provided in this division, by an independent public accountant duly registered and in good standing as such under the laws of the place of his or her residence.

(B) The requirement for the filing of such bond by an applicant for registration or renewal of registration as a ~~salesman~~ salesperson or limited ~~salesman~~ salesperson shall not be applicable if the dealer or limited dealer by whom such applicant is employed or is to be employed is not subject to the bond requirements of this Code section.

(3) The requirement for filing such bond by an applicant for registration or renewal of registration as a dealer or limited dealer shall not be applicable if such applicant has deposited in trust with the commissioner:

(A) A certificate of deposit evidencing a deposit with a financial institution satisfactory to the commissioner in the amount of \$25,000.00 payable to the applicant and assigned to the commissioner;

(B) An irrevocable letter of credit addressed to the commissioner in the amount of \$25,000.00, issued by a bank which is a member of the Federal Reserve System and conditioned only upon the rendering of a judgment by a court of competent jurisdiction in which the applicant is found liable for damages under this chapter; or

(C) Obligations of the United States, an agency thereof, or of the State of Georgia which mature in not more than two years and which have a market value as of the date of deposit of at least \$25,000.00.

Such deposits shall be held for the benefit of all persons to whom applicant is liable for damages under this chapter for a period of two years after such applicant's registration has expired or been revoked; provided, however, such deposits shall not be released at any time while there is pending against applicant an action (including any direct appeal of such action or an appeal based on a petition for certiorari jurisdiction), of which the commissioner has notice, in a court of competent jurisdiction in which it is alleged that applicant is liable for damages under this chapter. Such deposits shall not be released except upon application to and the written order of the commissioner. The commissioner shall have no liability for any such release of

any deposit or part thereof so made by him or her in good faith. The commissioner may designate any regularly constituted state depository having trust powers domiciled in this state as a depository to receive and hold any such deposit. Any such deposit so held shall be at the expense of the applicant. Such depository shall give to the commissioner proper trust and safekeeping receipt upon which the commissioner shall give official receipt to the applicant. The State of Georgia shall be responsible for the safekeeping and return of all deposits made pursuant to this Code section. So long as the applicant complies with this chapter, the applicant may demand, receive, sue for, and recover the income from the securities deposited or may exchange and substitute for the letter of credit or securities deposited or a part thereof, with the approval of the commissioner, a letter of credit or securities of the kinds specified above of equivalent or greater value. No judgment creditor or other claimant of applicant shall levy upon any deposit held pursuant to this paragraph or upon any part thereof, except as specified in this paragraph. Whenever any person shall file an action in a court of competent jurisdiction in which it is alleged that the applicant is liable for damages under this chapter, such person, in order to secure his or her recovery, may give notice to the commissioner of such alleged liability and of the amount of damages claimed, after which notice the commissioner shall be bound to retain, subject to the order of the Superior Court of Fulton County, as provided below, a sufficient amount of the deposit to pay the judgment in the action.

In the event that the applicant prevails in such action and in the event that such deposits have been held by the commissioner for a period of at least two years after the applicant's registration has expired or been revoked, then such deposits shall be released to the applicant; provided, however, such deposits shall not be released at any time while there is pending against applicant an action (including any direct appeal of such action or an appeal based on a petition for certiorari jurisdiction), of which the commissioner has notice, in a court of competent jurisdiction in which it is alleged that the applicant is liable for damages under this chapter. In the event that a judgment is rendered in such action by which it is determined that the applicant is liable for damages under this chapter, and the applicant has not paid the judgment within ten days of the date the judgment became final, or in the event the applicant petitions for the Supreme Court of the United States to take certiorari jurisdiction over such action, and the applicant has not paid the judgment within ten days of the date the Supreme Court of the United States denies certiorari jurisdiction or within ten days of the date the Supreme Court of the United States affirms the judgment, then said person may petition the Superior Court of Fulton County for an order directing the commissioner to reduce such deposit or a portion thereof sufficient to pay the judgment, to cash or its equivalent and to pay such judgment to the extent the judgment may be satisfied with the proceeds of the deposit. If there shall remain any residue from the deposit and if at least two years have passed since the expiration or revocation of the applicant's registration, the commissioner shall pay over such residue to the applicant, taking his or her receipt for the residue, which shall be filed and recorded with the other papers of the case, unless there is pending against applicant an action (including any direct appeal of such action or an appeal based on a petition for certiorari jurisdiction), of which the commissioner has notice, in a court of competent jurisdiction in which it is alleged that applicant is liable for damages under this chapter, in which case the commissioner shall hold or dispose of such residue in accordance with the provisions of this paragraph relating to the holding or disposing of the entire deposit. In the event that more than one final judgment is rendered against the applicant for violation of this

chapter, the judgment creditors shall be paid in full from such deposit or residue thereof, to the extent the deposit or residue is sufficient to pay the judgment, in the order in which the judgment creditors petitioned the Superior Court of Fulton County.

(4) Anything in this subsection to the contrary notwithstanding, the commissioner shall comply with any order of a Georgia or United States court of competent jurisdiction to turn over any deposit held by him or her pursuant to paragraph (3) of this subsection or the proceeds from any bond held by him or her pursuant to paragraph (1) of this subsection to a trustee or receiver for the use and sole benefit of persons on whose behalf the commissioner holds such deposit or proceeds.

~~(k)~~(l)Records.

(1) Every dealer, limited dealer, ~~salesman~~ salesperson, or limited ~~salesman~~ salesperson registered under this chapter shall make and keep such accounts and other records with respect to sales of securities in this state, whether or not pursuant to exemptions contained in Code Section 10-5-8 or 10-5-9, as the commissioner may by rule or regulation require. Every investment adviser or investment adviser representative registered under this chapter shall make and keep such accounts and records with respect to its business activities in this state as the commissioner by rule or regulation may require. All records so required shall be preserved for five years unless the commissioner shall provide otherwise. All records of such dealers, limited dealers, ~~salesmen~~ salespersons, limited ~~salesmen~~ salespersons, investment advisers, or investment adviser representatives are subject to such reasonable periodic, special, or other examinations by representatives of the commissioner, within or outside this state, as the commissioner deems necessary or appropriate in the public interest or for the protection of the public.

(2) The requirements of this subsection shall not apply to:

(A) A dealer or limited dealer that is registered under the Securities Exchange Act of 1934; or

(B) An investment adviser that maintains its principal place of business in a state other than this state, provided that such adviser is registered in the state where it maintains its principal place of business and is in compliance with such state's record keeping requirements, if any.

~~(j)~~(m)Amendment of dealers', limited dealers', or investment advisers' registrations.

(1) The registration of a dealer, limited dealer, or investment adviser ~~shall may, at the registrant's option,~~ be amended to reflect a change of name, home and business address, branch offices, principals, state of incorporation, corporate forms (including a merger of two registered dealers or investment advisers), or any other change which does not materially affect the business of the dealer, limited dealer, or investment adviser. Applications by dealers, limited dealers, and investment advisers to amend their registrations shall be made in a manner which the commissioner may, by rule or regulation, prescribe, and the commissioner may charge:

~~(1)~~ (A) A fee for such amendments, which fee shall not exceed the fee provided for renewal of such registrations; and

~~(2)~~(B) A fee of \$1.00 for each ~~salesman's~~ salesperson's or limited ~~salesman's~~ salesperson's license which must be altered because of the amendment.

(2) Whenever a federal covered adviser files with the Securities and Exchange Commission an amendment to its federal registration, such adviser shall file at the same time a copy of such amendment with the commissioner.

(m)(n) Successors to dealers, limited dealers, or investment advisers. In the event that a dealer, limited dealer, or investment adviser succeeds to and continues the business of another registered dealer, limited dealer, or investment adviser, the registration of the predecessor shall be deemed to remain effective as the registration of the successor for a period of 75 days after such succession, provided that an application for registration is filed within 30 days after succession on a form prescribed by the commissioner. In the event an investment adviser or federal covered adviser is a successor to and continues the business of a federal covered adviser, the notice filing of the predecessor adviser shall be deemed effective for 30 days after such succession.

(m)(o) Dissemination of information. With respect to investment advisers, the commissioner may require that certain information be furnished or disseminated as necessary or appropriate in the public interest or for the protection of investors and advisory clients. To the extent determined by the commissioner in his or her discretion, information furnished to clients or prospective clients of an investment adviser which information would be in compliance with the disclosure requirements of a federal covered adviser pursuant to the Investment Advisers Act of 1940 and the rules thereunder may be used in whole or partial satisfaction of this requirement. With respect to dealers, limited dealers, salesmen salespersons, and limited salesmen salespersons, the commissioner shall make available to any person so requesting information concerning whether a dealer, limited dealer, salesman salesperson, or limited salesman salesperson is or indicates that he or she is a designated dealer or designated salesman salesperson, as well as information possessed by the commissioner concerning any public administrative, civil, or criminal proceedings against and sanctions imposed on any designated dealer or its employees, affiliates, or salesmen salespersons.

(m)(p) Within 30 days after any dealer, limited dealer, salesman salesperson, or limited salesman salesperson becomes a designated dealer or designated salesman salesperson, said dealer, limited dealer, salesman salesperson, or limited salesman salesperson shall inform the commissioner of such in writing and shall submit the certification required by subsection (d) of this Code section, and any other information or material requested by the commissioner.

(p)(q)(1) In connection with the public sale or purchase of securities, every dealer and limited dealer subject to this chapter shall send written confirmations of transactions which are fully descriptive of the transaction in compliance and accordance with such rules and regulations as the commissioner may promulgate.

(2) With respect to transactions in designated securities made or caused to be made by designated dealers, in addition to the information required to be contained on confirmations under paragraph (1) of this subsection, each written confirmation required to be sent under paragraph (1) of this subsection shall be accompanied by the following information, which shall be clearly explained and identified:

(A) The price at which the dealer is currently selling or offering to sell the security and the price at which the dealer is currently buying or offering to buy the security; and

(B) All commissions, fees, bonuses, or other compensation payable to the dealer and salesman salesperson as a result of the transaction."

SECTION 3.

Said chapter is further amended by striking subsection (a) of Code Section 10-5-5, relating to registration of securities, and inserting in lieu thereof a new subsection (a) and inserting a new subsection (g) at the end of said Code section to read as follows:

“(a)Generally. It shall be unlawful for any person to offer for sale or to sell any securities to any person in this state unless:

- (1) They are subject to an effective registration statement under this chapter; or
- (2) The security or transaction is exempt under Code Section 10-5-8 or Code Section 10-5-9, respectively; or
- (3) The security is a federal covered security.”

“(g)Notice filings by issuers of federal covered securities.

(1) Any security that is a federal covered security under Section 18(b)(2) of the Securities Act of 1933 may be offered for sale and sold into, from, or within this state only upon the commissioner’s receipt of a copy of the registration statement and all other documents filed by the issuer with the Securities and Exchange Commission or, in lieu of filing such registration statement and other documents, a notice as prescribed by the commissioner by rule or regulation; a consent to service of process; and payment of a fee of \$250.00 for each fund or unit investment trust. Such notice filing shall meet the following conditions:

(A) Unless otherwise extended by the commissioner, an initial notice filing under this paragraph shall be effective for a period of 14 months commencing upon the later of the date the notice or registration statement, as applicable, is received by the commissioner or the date the offering is effective with the Securities and Exchange Commission. A notice filing may be renewed by filing, prior to its expiration, a renewal notice as prescribed by the commissioner together with a renewal fee of \$100.00 for each fund or unit investment trust renewed. A renewal notice filing shall be effective upon expiration of the previous notice filing.

(B) A notice filing may be amended as provided by the commissioner by rule or regulation.

(C) A notice filing may be terminated by an issuer upon providing notice to the commissioner.

(2) The commissioner, by rule or regulation, may require the filing of any document filed with the Securities and Exchange Commission under the Securities Act of 1933 for any security that is a federal covered security under Section 18(b)(3) or (4) of the Securities Act of 1933, together with any fees required under this chapter and a consent to service of process.

(3) The commissioner may issue a stop order suspending the offer or sale of a federal covered security in this state if the commissioner reasonably believes there has been a violation of the provisions of this Code section.

(4) The commissioner, by rule or regulation, may, if he or she deems it to be in the best interests of the public, waive any or all of the provisions of this Code section.”

SECTION 4.

Said chapter is further amended by striking paragraph (9) of Code Section 10-5-8, relating to registration of securities and exempt securities, and inserting in lieu thereof a new paragraph to read as follows:

"(9) A note, draft, bill of exchange, or banker's acceptance which arises out of a current transaction, or the proceeds of which have been or are to be used for one or more current transactions, and which has a maturity period at the time of issuance not exceeding nine months exclusive of days of grace, or any renewal thereof which has a maturity period likewise limited. This exemption shall apply only to prime quality negotiable commercial paper not ordinarily purchased by members of the general public, which paper is issued to facilitate well recognized types of current operational business requirements and is eligible for discounting by Federal Reserve Banks Promissory notes maturing in not more than nine months from date of issuance, provided that said securities are not offered for sale by means of advertisements publicly disseminated in the news media or through the mails;"

SECTION 5.

Said chapter is further amended by striking paragraph (5) of Code Section 10-5-9, relating to exempt transactions, and inserting in lieu thereof a new paragraph to read as follows:

"(5) Any transaction in securities pursuant to a registration statement effective under the Securities Act of 1933, as now or hereafter amended, or of securities exempt from the registration requirements of such Act pursuant to Regulation A, B, E, or F adopted under Section 3(b) or 3(c) thereof or pursuant to any other exemption under such sections which the commissioner has, by rule or regulation, approved, but only during the continuance of such exemption, provided that the commissioner has received prior to such sale:

(A) A notice of intention to sell which has been executed by the issuer, any other person on whose behalf the offering is to be made, a dealer or limited dealer registered under this chapter, or any duly authorized agent of any such person and which sets forth the name and address of the applicant, the name and address of the issuer, and the title of the securities to be offered in this state;

(B) A copy of the initial registration statement (excluding exhibits) or the notification on Form 1-A, 1-B, 1-E, or 1-F (or any form substituted therefor) and related offering circular or offering sheet (but excluding other exhibits) filed with the Securities and Exchange Commission or, in the case of an exemption under Section 3(b) or 3(c) of such the Securities Act of 1933, which has been approved by the commissioner under this paragraph, copies of such information or documents as the commissioner may, by rule or regulation, require;

(C) A filing fee of \$250.00; and

(D) A consent to service of process in the form prescribed by Code Section 10-5-18 which has been executed by the person who executed the notice of intention to sell unless such person has previously filed with the commissioner an irrevocable consent to service of process in the form prescribed by Code Section 10-5-18.

The commissioner shall issue to the person who executed the notice of intention to sell a certificate which shall be signed and sealed by the commissioner and which shall state the compliance or noncompliance with the requirements of subparagraphs (A) through (D) of this paragraph of the items filed pursuant to such subparagraphs. This paragraph shall not apply to any transaction which is otherwise exempt under this Code section or to a transaction involving a federal covered security which is subject to the requirements of subsection (g) of Code Section 10-5-5. In the event any offer is to be made pursuant to this exemption more than 14 months after the date on which the commissioner issues his or her certificate under this Code

section, then it shall be necessary for said issuer to file with the commissioner a copy of the prospectus which said issuer is currently utilizing for the purposes of making such offer and a renewal fee of \$100.00. The commissioner shall issue a certificate which shall be signed and sealed by him or her and which shall state the compliance or noncompliance with these provisions. The issuer shall be required to comply with these renewal requirements every 14 months so long as the offering shall continue in this state;"

SECTION 6.

Said chapter is further amended by striking subsection (b) of Code Section 10-5-11, relating to investigations, subpoenas, hearings, and cooperation with other jurisdictions, and inserting in lieu thereof a new subsection to read as follows:

"(b)(1) For the purpose of conducting any investigation as provided in this Code section, the commissioner shall have the power to administer oaths, to call any party to testify under oath at such investigations, to require the attendance of witnesses, to require the production of books, records, and papers, and to take the depositions of witnesses; and for such purposes the commissioner is authorized to issue a subpoena for any witness or a subpoena for the production of documentary evidence. Said subpoenas may be served by registered or certified mail, return receipt requested, to the addressee's business mailing address or residential address as shown on the Central Registration Depository or served personally by investigators appointed by the commissioner or shall be directed for service to the sheriff of the county where such witness resides or is found or where the person in custody of any books, records, or papers resides or is found. The fees and mileage of the sheriff, witness, or person shall be paid from the funds in the state treasury for the use of the commissioner in the same manner that other expenses of the commissioner are paid.

(2) The commissioner may issue and apply to enforce subpoenas in this state at the request of a securities agency or administrator of another state if the activities constituting an alleged violation for which the information is sought would be a violation of this chapter if the activities had occurred in this state."

SECTION 7.

Said chapter is further amended by striking subsections (c) through (i) of Code Section 10-5-12, relating to unlawful practices, and inserting in lieu thereof new subsections to read as follows:

"(c) It shall be unlawful for any person who:

- (1) Is a dealer, limited dealer, ~~salesman salesperson~~, limited ~~salesman salesperson~~, investment adviser, federal covered adviser, or investment adviser representative under this chapter;
- (2) Is making a notice filing or filing an application for registration as a dealer, limited dealer, ~~salesman salesperson~~, limited ~~salesman salesperson~~, investment adviser, or investment adviser representative under this chapter;
- (3) Is an issuer which has filed a registration statement or notice filing with respect to securities it intends to issue; or
- (4) Is an affiliate of any of the persons described in paragraph (1), (2), or (3) of this subsection

knowingly to cause to be made, in any document filed with the commissioner or in any proceeding under this chapter, any statement which is, at the time it is made and in

light of the circumstances under which it is made, false or misleading in any material respect.

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(d) Without limiting the general applicability of subsections (a), (b), and (c) of this Code section, it shall be unlawful to:

- (1) Quote a fictitious price with respect to a security;
- (2) Effect a transaction in a security which involves no change in the beneficial ownership of the security for the purpose of creating a false or misleading appearance of active trading in a security or with respect to the market for the security;
- (3) Enter an order for the purchase of a security with the knowledge that an order of substantially the same size and at substantially the same time and price for the sale of the security has been, or will be, entered by or for the same, or affiliated, person for the purpose of creating a false or misleading appearance of active trading in a security or with respect to the market for the security;
- (4) Enter an order for the sale of a security with the knowledge that an order at substantially the same time and price for the purchase of the security has been, or will be, entered by or for the same, or affiliated, person for the purpose of creating a false or misleading appearance of active trading in a security or with respect to the market for the security: or
- (5) Misappropriate, convert, or improperly withhold any funds or other property in connection with an offer or sale of any security; or
- (6) Employ any other deceptive or fraudulent device, scheme, or artifice to manipulate the market in a security.

(e) Transactions effected in compliance with the applicable provisions of the Securities Exchange Act of 1934 and the rules and regulations of the Securities and Exchange Commission thereunder shall not be deemed to constitute market manipulation under subsection (d) of this Code section.

(f) It shall be unlawful for any person to transact business within or from this state as an investment adviser or investment adviser representative in violation of Code Section 10-5-3 or any rule, regulation, or order promulgated or issued by the commissioner under this chapter.

(g) It shall be unlawful for any person to hold himself or herself out as, or otherwise represent that he or she is, a 'financial planner' or 'investment adviser' or use as descriptive of his or her business the term 'financial planner' or 'investment adviser' or such similar term as may be specified in rules and regulations promulgated by the commissioner unless said person is either a certified public accountant, or is registered as an investment adviser or investment adviser representative under this chapter, or is a federal covered adviser who has made a notice filing under this chapter. The use of the term 'financial planner' or 'investment adviser' or a similar term to describe a person's business shall not be used in such a way so as to be deceptive, as that term may be defined in the rules and regulations promulgated by the commissioner.

(h)(1) It shall be unlawful for any investment adviser, federal covered adviser, or investment adviser representative in the course of his or her business as such:

- (1)(A) To employ any device, scheme, or artifice to defraud;
- (2)(B) To engage in any transaction, practice, or course of business which operates or would operate as a fraud or deceit, or.

~~(9)~~(2) It shall be unlawful for any investment adviser, federal covered adviser, or investment adviser representative in the course of business to ~~To~~ engage in dishonest or unethical practices, as the commissioner may define by rule.

(i) It shall be unlawful for any person registered as an investment adviser or investment adviser representative under this chapter or for any federal covered adviser who has made a notice filing under this chapter to represent or imply in any manner whatsoever that such person has been sponsored, recommended, or approved or that his or her abilities or qualifications have in any respect been passed upon by the State of Georgia or any agency or any officer thereof; provided, however, that this provision shall not be construed to prohibit a statement that a person is so registered under this chapter if such statement is true in fact and if the effect of such registration is not misrepresented.”

SECTION 8.

Said chapter is further amended by striking subsection (a) of Code Section 10-5-13, relating to administrative, civil, and criminal actions, and inserting in lieu thereof a new subsection to read as follows:

“(a) Whenever it may appear to the commissioner, either upon complaint or otherwise, that any person has engaged in or is engaging in or is about to engage in any act or practice or transaction which is prohibited by this chapter or by any rule, regulation, or order of the commissioner promulgated or issued pursuant to any Code section of this chapter or which is declared to be unlawful under this chapter, the commissioner may, at his or her discretion, act under any or all of the following paragraphs:

(1) Impose administrative sanctions as provided in this paragraph:

(A) Subject to notice and opportunity for hearing in accordance with Code Section 10-5-16, unless the right to notice is waived by the person against whom the sanction is imposed, the commissioner may:

(i) Issue a cease and desist order against any person;

(ii) Censure the person if the person is registered as an issuer, dealer, limited dealer, ~~salesman salesperson~~, limited ~~salesman salesperson~~, investment adviser, or investment adviser representative;

(iii) Bar or suspend the person from association with a registered dealer, a limited dealer, or an investment adviser in this state; or

(iv) Issue an order against an applicant, registered person, or other person who willfully violates this chapter, imposing a civil penalty up to a maximum of \$50,000.00 for a single violation or up to \$500,000.00 for multiple violations in a single proceeding or a series of related proceedings;

(B) Imposition of the sanctions under this paragraph is limited as follows:

(i) If the commissioner revokes the registration of a dealer, limited dealer, ~~salesman salesperson~~, limited ~~salesman salesperson~~, investment adviser, or investment adviser representative or bars a person from association with a registered dealer, limited dealer, or investment adviser under subparagraph (A) of this paragraph, the imposition of that sanction precludes imposition of the sanction specified in division (iv) of subparagraph (A) of this paragraph; and

(ii) The imposition by the commissioner of one or more sanctions under this paragraph with respect to a specific violation precludes the commissioner from

later imposing any other sanctions under this paragraph with respect to the violation;

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- (C) For the purpose of determining the amount or extent of a sanction, if any, to be imposed under subparagraph (A) of this paragraph, the commissioner shall consider, among other factors, the frequency, persistence, and willfulness of the conduct constituting a violation of this chapter or a rule promulgated thereunder or an order of the commissioner, the number of persons adversely affected by the conduct, and the resources of the person committing the violation;
- (2) Seek civil sanctions by applying to any superior court of competent jurisdiction in this state, which court:
- (A) Upon a showing by the commissioner that a person has violated this chapter, a rule promulgated thereunder, or an order of the commissioner, may enter or grant:
- (i) A temporary restraining order, permanent or temporary injunction, or a writ of prohibition or mandamus;
 - (ii) A civil penalty up to a maximum of \$50,000.00 for a single violation or up to \$500,000.00 for multiple violations in a single proceeding or a series of related proceedings;
 - (iii) A declaratory judgment;
 - (iv) Restitution to investors;
 - (v) The appointment of a receiver, auditor, or conservator for the defendant or the defendant's assets;
 - (vi) An order of disgorgement; or
 - (vii) Other relief as the court deems just and equitable;
- (B) May, upon a showing by the commissioner that the defendant is about to violate this chapter, a rule promulgated thereunder, or an order of the commissioner, issue:
- (i) A temporary restraining order;
 - (ii) A temporary or permanent injunction;
 - (iii) A writ of prohibition or mandamus; or
 - (iv) Such other relief as the court deems just and equitable;
- (C) In determining the appropriate relief to grant, shall consider enforcement action taken and sanctions imposed by the commissioner under paragraph (1) of this subsection in connection with the transaction or transactions constituting a violation of this chapter, a rule promulgated thereunder, or an order of the commissioner; and
- (D) Upon a showing by the securities agency or administrator of another state that a person has violated the securities or investment adviser law of that state, a rule promulgated thereunder, or an order of said agency or administrator, in addition to any other legal or equitable remedies, may impose one or more of the following remedies:
- (i) The appointment of a receiver, auditor, conservator, or ancillary receiver or conservator for the defendant or the defendant's assets located in this state; and
 - (ii) Such other relief as the court deems just and equitable; or

(3) Transmit such evidence as may be available concerning such act, practice, or transaction to any district attorney or to the Attorney General, who may, at his or her individual discretion, institute the necessary criminal proceedings.”

SECTION 9.

Said chapter is further amended by striking subsection (b) of Code Section 10-5-16, relating to notice and conduct of hearing and issuance of orders, and inserting in lieu thereof a new subsection to read as follows:

“(b) Notices of opportunity for hearing shall be served personally by investigators appointed by the commissioner, or sent by registered or certified mail, return receipt requested, to the addressee’s business mailing address or residential address as shown on the Central Registration Depository, or directed for service to the sheriff of the county where such person resides or is found; and such notice shall state:

- (1) The order which has issued and which is proposed to be issued;
- (2) The ground for issuing such order and proposed order; and
- (3) That the person to whom such notice is sent will be afforded a hearing upon request if such request is made within ten days after receipt of the notice.”

SECTION 10.

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

On the adoption of the substitute, the yeas were 31, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Price,R
Y Balfour	Y	Guhl	Y Price,T
Y Blitch	Y	Harbison	Y Ragan
Y Boshears	Y	Henson	Y Ralston
Y Bowen	Y	Hill	Y Ray
Broun, 46th	Y	Hooks	Y Roberts
Y Brown, 26th	Y	Huggins	Scott
Y Brush	Y	James	Y Starr
Y Burton	Y	Johnson,D	EX Stokes
Y Cagle	Y	Johnson,E	Y Streat
Y Cheeks	Y	Kemp	Y Tanksley
Y Clay	Y	Lamutt	Y Taylor
Y Crotts	Y	Land	Y Thomas,D
Y Dean	Y	Langford	Y Thomas,N
Y Egan	Y	Madden	Y Thompson
Y Fort	Y	Marable	Y Turner
Y Gillis		Middleton	Y Tysinger
Y Glanton	Y	Oliver	Walker
Y Gochenour	Y	Perdue	

On the passage of the bill, the yeas were 49, nays 0.

HB 1372, having received the requisite constitutional majority, was passed by substitute.

HB 886. By Representative Cummings of the 27th:

A bill to amend Chapter 2 of the Official Code of Georgia Annotated, relating to the Employees' Retirement System of Georgia, so as to change a certain definition; to remove a limitation on the compensation to be considered for calculating retirement benefits.

Senate Sponsor: Senator Burton of the 5th.

Senators Abernathy of the 38th and Walker of the 22nd offered the following amendment:

Amend HB 886 by inserting on line 5 of page 1, immediately after the word and symbol "benefits;," the following:

"to provide that appellate judges shall be eligible to retire after 12 years of actual service;"

By inserting between lines 14 and 15 of page 2 the following:

"SECTION 3.

Said chapter is further amended in Code Section 47-2-244, relating to optional benefits available under the Employees' Retirement System of Georgia to appellate court judges, by striking in their entirety subsections (f) and (m) and inserting in lieu thereof the following:

'(f) After ten years of service as an appellate court judge and attaining the age of 65 or after 12 years of service as an appellate court judge and attaining the age of 60, such judge shall be entitled to receive during life a retirement benefit payable monthly equivalent to 75 percent of the salary of an appellate court judge then serving in the office from which such judge retired.'

'(m) No benefit shall be payable to an appellate court judge under this Code section until such judge reaches 60 years of age with 12 years of service as an appellate court judge or 65 years of age with ten years of service as an appellate court judge, except for incapacity."

By redesignating Sections 3, 4, and 5 as Sections 4, 5, and 6, respectively.

Senator Cheeks of the 23rd requested a ruling by the Chair as to the correctness of the fiscal note. The President ruled the fiscal note improperly drawn and the amendment out of order.

Senator Abernathy of the 38th moved that HB 886 be placed on the Table.

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

Y Abernathy	Y Dean	Y James
Y Balfour	Y Egan	Johnson,D
Blitch	Y Fort	N Johnson,E
N Boshears	N Gillis	Y Kemp
N Bowen	Y Glanton	N Lamutt
N Broun, 46th	N Gochenour	Y Land
Y Brown, 26th	Griffin	Langford
N Brush	N Guhl	N Madden
N Burton	Y Harbison	Y Marable
N Cagle	N Henson	N Middleton
N Cheeks	Y Hill	Oliver
N Clay	Y Hooks	Perdue
Y Crotts	N Huggins	

N Price,R	Scott	N Thomas,D
N Price,T	N Starr	Y Thomas,N
Y Ragan	EX Stokes	Y Thompson
N Ralston	N Streat	N Turner
Y Ray	Tanksley	N Tysinger
N Roberts	Taylor	Y Walker

On the motion, the yeas were 20, nays 26, and the motion to Table HB 886 was lost.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y Griffin	N Price,R
Y Balfour	Y Guhl	N Price,T
Y Blitch	Y Harbison	Y Ragan
Y Boshears	Henson	Y Ralston
Y Bowen	Y Hill	N Ray
Y Broun, 46th	Y Hooks	Y Roberts
Brown, 26th	Y Huggins	Y Scott
Y Brush	Y James	Y Starr
Y Burton	Y Johnson,D	EX Stokes
Y Cagle	Y Johnson,E	Y Streat
Y Cheeks	Y Kemp	Tanksley
Y Clay	Y Lamutt	Taylor
Y Crofts	Y Land	Y Thomas,D
Y Dean	Y Langford	Y Thomas,N
Y Egan	Y Madden	Y Thompson
Y Fort	Y Marable	Y Turner
Y Gillis	Y Middleton	Y Tysinger
N Glanton	Y Oliver	Y Walker
N Gochenour	Perdue	

On the passage of the bill, the yeas were 44, nays 5.

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

Senator Cheeks of the 23rd moved that HB 886 be immediately transmitted to the House.

On the motion, the yeas were 31, nays 0, and HB 886 was immediately transmitted.

HB 1596. By Representatives Buck of the 135th, Royal of the 164th, Jamieson of the 22nd and others:

A bill to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to revise provisions relating to Georgia taxes; to define the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby to incorporate provisions of federal law into Georgia law.

Senate Sponsor: Senator Starr of the 44th.

The Senate Committee on Finance and Public Utilities offered the following substitute to HB 1596:

A BILL

To be entitled an Act to amend Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, so as to revise provisions relating to Georgia taxes; to de-

fine the terms "Internal Revenue Code" and "Internal Revenue Code of 1986" and thereby to incorporate provisions of federal law into Georgia law; to provide that terms used in the Georgia law shall have the same meaning as when used in a comparable provision or context in federal law; to provide for other matters related to the foregoing; to extend a certain tax exemption for certain businesses in less developed counties; to increase the carry-forward period for tax credits for existing manufacturing and telecommunications facilities or support facilities in tier 1, 2, and 3 counties; to provide for a carry-forward period for tax credits for certain retraining programs; to provide for income tax credits for the purchase or lease of certain new low-emission vehicles or the conversion of certain conventionally fueled vehicles; to provide for definitions and the terms, conditions, limitations, and procedures relating to such credits; to provide for powers, duties, and authority of the state revenue commissioner, the Board of Natural Resources, and the Environmental Protection Division of the Department of Natural Resources with respect to the foregoing; to provide for effective dates and applicability; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 48 of the Official Code of Georgia Annotated, relating to revenue and taxation, is amended by striking paragraph (14) of Code Section 48-1-2, relating to definitions of terms, and inserting in its place a new paragraph to read as follows:

"(14) 'Internal Revenue Code' or 'Internal Revenue Code of 1986' means the United States Internal Revenue Code of 1986 provided for in federal law enacted on or before January 1, ~~1997~~ 1998. In the event a reference is made in this title to the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on a specific date prior to January 1, ~~1997~~ 1998, the term means the Internal Revenue Code or the Internal Revenue Code of 1954 as it existed on the prior date. Unless otherwise provided in this title, any term used in this title shall have the same meaning as when used in a comparable provision or context in the Internal Revenue Code of 1986."

SECTION 2.

Said title is further amended by striking subsection (i) of Code Section 48-7-40, relating to tax credits for business enterprises in less developed counties, and inserting in lieu thereof the following:

"(i) Notwithstanding any provision of this Code section to the contrary, in counties recognized and designated as tier 1 the first through fortieth least developed counties prior to January 1, 1994 in the tier 1 designation, job tax credits shall be allowed as provided in this Code section, in addition to business enterprises, to any business of any nature ~~for jobs created from January 1, 1993, through December 31, 1997.~~"

SECTION 3.

Said title is further amended by striking paragraph (2) of subsection (c) of Code Section 48-7-40.2, relating to tax credits for existing manufacturing and telecommunications facilities or support facilities in tier 1 counties, and inserting in its place a new paragraph (2) to read as follows:

"(2) Any credit claimed under this Code section but not used in any taxable year may be carried forward for ~~five~~ ten years from the close of the taxable year in which the qualified investment property was acquired, provided that such qualified investment property remains in service. The credit established by this Code section taken

in any one taxable year shall be limited to an amount not greater than 50 percent of the taxpayer's state income tax liability which is attributable to income derived from operations in this state for that taxable year. The sale, merger, acquisition, or bankruptcy of any taxpayer shall not create new eligibility in any succeeding taxpayer, but any unused credit may be transferred and continued by any transferee of the taxpayer;"

SECTION 4.

Said title is further amended by striking paragraph (2) of subsection (c) of Code Section 48-7-40.3, relating to tax credits for existing manufacturing and telecommunications facilities or support facilities in tier 2 counties, and inserting in its place a new paragraph (2) to read as follows:

"(2) Any credit claimed under this Code section but not used in any taxable year may be carried forward for ~~five~~ ten years from the close of the taxable year in which the qualified investment property was acquired, provided that such qualified investment property remains in service. The credit established by this Code section taken in any one taxable year shall be limited to an amount not greater than 50 percent of the taxpayer's state income tax liability which is attributable to income derived from operations in this state for that taxable year. The sale, merger, acquisition, or bankruptcy of any taxpayer shall not create new eligibility in any succeeding taxpayer, but any unused credit may be transferred and continued by any transferee of the taxpayer;"

SECTION 5.

Said title is further amended by striking paragraph (2) of subsection (c) of Code Section 48-7-40.4, relating to tax credits for existing manufacturing and telecommunications facilities or support facilities in tier 3 counties, and inserting in its place a new paragraph (2) to read as follows:

"(2) Any credit claimed under this Code section but not used in any taxable year may be carried forward for ~~five~~ ten years from the close of the taxable year in which the qualified investment property was acquired, provided that such qualified investment property remains in service. The credit established by this Code section taken in any one taxable year shall be limited to an amount not greater than 50 percent of the taxpayer's state income tax liability which is attributable to income derived from operations in this state for that taxable year. The sale, merger, acquisition, or bankruptcy of any taxpayer shall not create new eligibility in any succeeding taxpayer, but any unused credit may be transferred and continued by any transferee of the taxpayer;"

SECTION 6.

Said title is further amended by striking subsection (c) of Code Section 48-7-40.5, relating to income tax credits for certain approved retraining programs, and inserting in its place a new subsection (c) to read as follows:

"(c) Any tax credit claimed under this Code section for any taxable year beginning on or after January 1, 1998, but not used for any such taxable year may be carried forward for ten years from the close of the taxable year in which the tax credit was granted. The tax credit granted to any employer pursuant to this Code section shall not exceed 50 percent of the amount of the taxpayer's income tax liability for the taxable year as computed without regard to this Code section."

SECTION 7.

Said title is further amended by adding a new Code section immediately following Code Section 48-7-40.14, relating to calculation of new full-time jobs, to be designated Code Section 48-7-40.15, to read as follows:

“48-7-40.15.

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

(1) ‘Alternative fuel’ means methanol, denatured ethanol, and other alcohols; mixtures containing 85 percent or more by volume of methanol, denatured ethanol, and other alcohols with gasoline or other fuels; natural gas; liquefied petroleum gas; hydrogen; coal derived liquid fuels; fuels other than alcohol derived from biological materials; and electricity, including electricity from solar energy.

(2) ‘Conventionally fueled vehicle’ means a motor vehicle which is fueled solely by a petroleum based fuel such as gasoline or diesel.

(3) ‘Converted vehicle’ means a motor vehicle that is retrofitted so that it is fueled solely by an alternative fuel and which meets the emission standards set forth for that class of low-emission vehicles as defined under rules and regulations of the Board of Natural Resources applicable to clean fueled fleets, as amended, when operating on such alternative fuel.

(4) ‘Covered area’ means a geographic area designated by the United States Environmental Protection Agency in the Code of Federal Regulations as an area which has not attained or maintained the National Ambient Air Quality Standard for ozone in accordance with the federal Clean Air Act, as amended, or any county adjacent to a covered area.

(5) ‘Fleet operator’ means a person who operates a fleet of ten or more motor vehicles and that fleet is operated in a single covered area, even if the fleet motor vehicles are garaged outside a covered area.

(6) ‘Low-emission vehicle’ means a motor vehicle which is fueled solely by an alternative fuel and which meets emission standards as defined under rules and regulations of the Board of Natural Resources applicable to clean fueled fleets, as amended, when operating on such alternative fuel.

(7) ‘Motor vehicle’ means any self-propelled vehicle designed for transporting persons or property on a street or highway that is registered by the Motor Vehicle Division of the Department of Revenue.

(b) A tax credit is allowed against the tax imposed under this article to a taxpayer for the purchase or lease of a new low-emission vehicle that is registered in a covered area. The amount of the credit shall be \$1,500.00 per new low-emission vehicle.

(c) A tax credit is allowed against the tax imposed under this article to a taxpayer for the conversion of a conventionally fueled vehicle to a converted vehicle that is registered in a covered area. The amount of the credit shall be equal to the cost of conversion, not to exceed \$1,500.00 per converted vehicle.

(d) The credits granted under this Code section shall be subject to the following conditions and limitations:

(1) All claims for any credit provided by subsection (b) of this Code section shall be:

(A) Accompanied by a certification issued by the automobile dealership where the new low-emission vehicle was purchased or leased; and

- (B) Made only by a taxpayer who is the ultimate purchaser or lessee of a new low-emission vehicle at retail;
- (2) In order to qualify for a tax credit in a particular calendar year for the lease of a new low-emission vehicle under subsection (b) of this Code section, the lease must be in effect prior to or on the last day of the calendar year in which the credit is claimed;
- (3) All claims for any credit provided by subsection (c) of this Code section must be accompanied by a certification issued by the Environmental Protection Division of the Department of Natural Resources;
- (4) Motor vehicles subject to the requirements imposed upon fleet operators by the federal Clean Air Act, 42 U.S.C. Section 7401, et seq., as amended, and applicable federal regulations are not eligible for any tax credit under this Code section;
- (5) Any credit claimed under this Code section but not used in any taxable year may be carried forward for three years from the close of the taxable year in which a new low-emission vehicle was purchased or leased or a conventionally fueled vehicle was changed into a converted vehicle, provided that the applicable certification required in paragraph (1) or (3) of this subsection accompanies any such claim; and
- (6) In no event shall the amount of any tax credit provided in this Code section exceed the taxpayer's income tax liability.
- (e) The state revenue commissioner shall be authorized to adopt rules and regulations to provide for the administration of any tax credit provided by this Code section.
- (f) The Board of Natural Resources shall be authorized to adopt rules and regulations to provide for:
- (1) The specific standards and requirements for low-emission and converted vehicles which shall be consistent with the terms of this Code section;
 - (2) An approved certification form which shall be issued by an automobile dealership which certifies the purchase or lease of a new low-emission vehicle that is qualified for a tax credit provided by this Code section; and
 - (3) The certification of any converted vehicle that is qualified to claim a tax credit provided by this Code section."

SECTION 8.

- (a) This section and Section 9 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.
- (b) Section 1 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall apply to taxable years beginning on or after January 1, 1998. Provisions of the Internal Revenue Code of 1986 which were as of January 1, 1998, enacted into law but not yet effective shall become effective for purposes of Georgia taxation on the same dates upon which they become effective for federal tax purposes.
- (c) Sections 6 and 7 of this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval and shall be applicable to all taxable years beginning on or after January 1, 1998.
- (d) Section 2 of this Act shall become effective on January 1, 1999.
- (e) Sections 3, 4, and 5 of this Act shall become effective on July 1, 1998.

SECTION 9.

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

Senators Starr of the 44th and Perdue of the 18th offered the following amendment:

Amend the Senate committee substitute to HB 1596 by striking "certain" and inserting in its place "a" on lines 16 and 17 of page 1.

By striking "vehicles" and inserting in its place "vehicle" on lines 16 and 17 of page 1.

By striking lines 25 through 32 of page 4 and inserting in their place the following:

"(1) 'Clean fuel' means methanol, ethanol, or other alcohols; any mixtures containing 85 percent or more by volume of methanol, ethanol, or other alcohols with gasoline or other fuels; reformulated gasoline or diesel; natural gas; liquefied petroleum gas (propane); hydrogen; electricity; and any other fuel used in a low-emission vehicle that complies with the standards and requirements applicable to such vehicle when using such fuel or power source."

By striking line 36 of page 4 through line 2 of page 5 and inserting in their place the following:

"(3) 'Converted vehicle' means a motor vehicle that is retrofitted to use a clean fuel and meets the emission standards set forth for that class of low-emission vehicles as defined under rules and regulations of the Board of Natural Resources applicable to clean fueled fleets, as amended."

By striking lines 14 through 19 of page 5 and inserting in their place the following:

"(6) 'Low-emission vehicle' means a motor vehicle which is capable of operating on clean fuel and meets emission standards as defined under rules and regulations of the Board of Natural Resources applicable to clean fueled fleets, as amended."

On the adoption of the amendment, the yeas were 31, nays 0, and the Starr, Perdue amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 35, nays 0, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

Y Abernathy	Y Fort	Y Lamutt
Y Balfour	Y Gillis	Y Land
Y Blitch	Y Glanton	Langford
Y Boshears	Y Gochenour	Y Madden
Y Bowen	Y Griffin	Y Marable
Y Broun, 46th	Y Guhl	Y Middleton
Y Brown, 26th	Y Harbison	Y Oliver
Y Brush	Y Henson	Y Perdue
Y Burton	Y Hill	Y Price,R
Y Cagle	Y Hooks	Y Price,T
Y Cheeks	Y Huggins	Y Ragan
Y Clay	Y James	Y Ralston
Y Crotts	Y Johnson,D	Y Ray
Y Dean	Y Johnson,E	Y Roberts
Y Egan	Y Kemp	Y Scott

(B) Will charge and be capable of being activated to deliver a countershock after electrically detecting the presence of certain cardiac dysrhythmia dysrhythmias; and

(C) Is capable of continuous recording of the cardiac dysrhythmia at the scene with a mechanism for transfer and storage or for printing for review subsequent to use; and

~~(D) Is capable of producing a hard copy of the electrocardiogram.~~

(2) 'Defibrillation' means to terminate atrial or ventricular fibrillation.

(3) 'Designated first responder' means an individual who has successfully completed an appropriate first responder course approved by the department and otherwise meets the eligibility requirements set forth in this chapter any person or agency who provides on-site care until the arrival of a duly licensed ambulance service. This shall include, but not be limited to, persons who routinely respond to calls for assistance through an affiliation with law enforcement agencies, fire suppression agencies, rescue agencies, and others.

(b) It is the intent of the General Assembly that an automated external defibrillator may be used by any person for the purpose of saving the life of another person in cardiac arrest. In order to ensure public health and safety:

(1) It is recommended that all persons who have access to or use an automated external defibrillator obtain appropriate training as set forth in the Rules and Regulations of the Department of Human Resources Chapter 290-5-30. It is further recommended that such training include at a minimum the successful completion of:

(A) A nationally recognized health care provider/professional rescuer level cardiopulmonary resuscitation course; and

(B) A department established or approved course which includes demonstrated proficiency in the use of an automated external defibrillator;

(2) All persons and agencies possessing and maintaining an automated external defibrillator shall notify the appropriate emergency medical services system of the existence and location of the automated external defibrillator prior to said defibrillator being placed in use;

(3) All persons who use an automated external defibrillator shall activate the emergency medical services system as soon as reasonably possible by calling '911' or the appropriate emergency telephone number upon use of the automated external defibrillator; and

(4) Within a reasonable period of time, all persons who use an automated external defibrillator shall make available a printed or electronically stored report to the licensed emergency medical services provider which transports the patient.

(c) All persons who provide instruction to others in the use of the automated external defibrillator shall have completed an instructor course established or approved by the department.

~~(b)~~(d) The department shall establish an automatic automated external defibrillator program for use by emergency medical technicians and designated first responders. Such program shall be subject to the direct supervision of a medical advisor adviser approved under Code Section 31-11-50. No emergency medical technician or designated first responder shall be authorized to use an automatic automated external defibrillator to defibrillate a person unless that defibrillator is a properly maintained

~~automatic~~ automated external defibrillator and that emergency medical technician or ~~designated first responder~~.

- (1) Submits to and has approved by the department an application for such use, and in considering that application the department may obtain and use the recommendation of the local coordinating entity for the health district in which the applicant will use such defibrillator;
- (2) Successfully completes an automatic automated external defibrillator training program established or approved by the department;
- (3) Is subject to protocols requiring that both the emergency physician ~~which~~ who receives a patient defibrillated by that emergency medical technician or ~~designated first responder~~ and the medical ~~advisor~~ adviser for the defibrillator program review the department required prehospital care report and any other documentation of the defibrillation of any person by that emergency medical technician or ~~designated first responder~~ and send a written report of such review to the district EMS medical director of the health district in which the defibrillation occurred; and
- (4) Obtains a passing score on an annual automatic automated external defibrillator proficiency exam given in connection with that program.
- (e) It shall not be necessary for a licensed emergency medical service, licensed neonatal transport service, or other services licensed by the department which provide care administered by cardiac technicians or paramedics to obtain department approval for the use of an automated external defibrillator on licensed vehicles.
- ~~(c)~~(f) Any emergency medical technician or ~~designated first responder~~ who violates the provisions of this Code section shall be subject to having revoked by the department that person's authority to use an automatic automated external defibrillator. Such a violation shall also be grounds for any entity which issues a license or certificate authorizing such emergency medical technician or ~~designated first responder~~ to perform emergency medical services to take disciplinary action against such person, including but not limited to suspension or revocation of that license or certificate. Such a violation shall also be grounds for the employer of such emergency medical technician or ~~designated first responder~~ to impose any sanction available thereto, including but not limited to dismissal.
- (g) Any first responder who gratuitously and in good faith renders emergency care or treatment by the use of or provision of an automated external defibrillator, without objection of the injured victim or victims thereof, shall not be held liable for any civil damages as a result of such care or treatment or as a result of any act or failure to act in providing or arranging further medical treatment where the person acts without gross negligence or intent to harm or as an ordinary reasonably prudent person would have acted under the same or similar circumstances, even if such individual does so without benefit of the appropriate training. This provision includes paid persons who extend care or treatment without expectation of remuneration from the patient or victim for receiving the defibrillation care or treatment."

SECTION 2.

This Act shall become effective on July 1, 1998.

SECTION 3.

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

Senator Hill of the 4th moved that the Senate agree to the House substitute to SB 566.

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

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	Abernathy	Y	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch	Y	Harbison	Y	Ragan
Y	Boshears	Y	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
Y	Brown, 26th	Y	Huggins	Y	Scott
Y	Brush	Y	James	Y	Starr
Y	Burton	Y	Johnson,D	EX	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp	Y	Tanksley
Y	Clay	Y	Lamutt	Y	Taylor
Y	Crotts	Y	Land	Y	Thomas,D
Y	Dean		Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
Y	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	Y	Oliver		Walker
Y	Gochenour	Y	Perdue		

On the motion, the yeas were 52, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 566.

The Calendar was resumed.

HB 1160. By Representatives Walker of the 141st, Hudson of the 156th, Royal of the 164th and Channell of the 111th:

A bill to amend Code Section 36-30-3 of the Official Code of Georgia Annotated, relating to enactment of binding ordinances by municipal councils, so as to provide that the governing authority of a municipal corporation may authorize the execution of a contract specifying the rates, fees, or other charges which will be charged and collected by the municipal corporation for utility services provided by the municipal corporation to one or more utility customers.

Senate Sponsor: Senator Dean of the 31st.

Senator Perdue of the 18th offered the following amendment:

Amend HB 1160 by striking line 24 of page 2 and inserting in lieu thereof the following:

“one or more of its utility customers. Nothing in this subsection, however, shall be construed to grant to any municipal governing authority the right or power to specify the rates, fees, or charges to be collected for electric, natural gas, or water utility services provided by a local authority, as defined in subsection (a) of Code Section 36-80-17, where the right or power to specify such rates, fees, or charges is otherwise vested by local constitutional amendment, general statute, or local law in the governing body of such local authority. Any such contract”

On the adoption of the amendment, the yeas were 37, nays 0, and the Perdue amendment was adopted.

The report of the committee, which was favorable to the passage of the bill, was agreed to as amended.

On the passage of the bill, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks	Y	Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Brush	N	James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
N Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden		Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton	Y	Oliver	Y	Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 50, nays 2.

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

HB 441. By Representatives Cummings of the 27th, Shanahan of the 10th, McBee of the 88th and others:

A bill to amend Title 47 of the Official Code of Georgia Annotated, relating to public retirement systems, so as to provide that certain persons may not become members of the Teachers Retirement System of Georgia in a certain manner on or after a certain date; to define certain terms; to provide that certain public school employees may elect to become members of such retirement system.

Senate Sponsor: Senator Broun of the 46th.

The Senate Committee on Retirement offered the following substitute to HB 441:

A BILL

To be entitled an Act to amend Code Section 47-2-70.1 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia by employees of new state agencies, so as to provide that persons who become officers and employees of the Georgia Lottery Corporation after a certain date shall not be members of such retirement system; to provide that such persons who are members of such retirement system on a certain date may make an irrevocable election to retain such membership; to provide conditions upon the authority of such corporation in making employer contributions into a deferred compensation plan or pension plan for its officers and employees; to provide a vesting schedule; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Code Section 47-2-70.1 of the Official Code of Georgia Annotated, relating to membership in the Employees' Retirement System of Georgia by employees of new state agencies, is amended by inserting at the end thereof the following:

“(d)(1) As used in this subsection, the term:

(A) ‘Corporation’ means the Georgia Lottery Corporation created by Code Section 50-27-4.

(B) ‘Section 401(k) plan’ means the deferred compensation plan offered by the state for public employees pursuant to Section 401(k) of the federal Internal Revenue Code on July 1, 1998, as now or subsequently amended.

(C) ‘Termination date’ means the earlier of:

(i) The date on which the corporation receives a favorable ruling from the federal Internal Revenue Service as to the corporation’s participation in the Section 401(k) plan; or

(ii) The date on which the corporation establishes a tax qualified retirement plan for its officers and employees.

(2) Notwithstanding the provisions of subsection (c) of this Code section, no person employed as an officer or employee of the corporation on or after the termination date shall be a member of this retirement system. Any member who on the termination date is a member of this retirement system may make an irrevocable election to retain membership in this retirement system by notifying the board of trustees in writing not later than 60 days following the termination date. Any person who so elects to remain a member of this retirement system shall not be eligible to participate in any tax qualified retirement plan offered by such corporation.

(3) If the corporation participates in the Section 401(k) plan, it shall not be authorized to maintain for its officers and employees any tax qualified retirement plan other than the plan qualified under Section 457 of the federal Internal Revenue Code on July 1, 1998.

(4) The corporation’s participation in either the Section 401(k) plan or any tax qualified retirement plan maintained by the corporation shall be subject to the following conditions:

(A) The maximum percentage of a participant’s annual salary which the corporation may pay into the plan for or on behalf of the participant shall not exceed 7 1/2 percent; and

(B) Each participant shall have a vested interest in employer contributions in accordance with the schedule in the subaccount of the Section 401(k) plan providing for employer contributions which is in existence on July 1, 1998, as now or hereafter amended.

SECTION 2.

This Act shall become effective on July 1, 1998, only if it is determined to have been concurrently funded as provided in Chapter 20 of Title 47 of the Official Code of Georgia Annotated, the “Public Retirement Systems Standards Law”; otherwise, this Act shall not become effective and shall be automatically repealed in its entirety on July 1, 1998, as required by subsection (a) of Code Section 47-20-50.

SECTION 3.

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

On the adoption of the substitute, the yeas were 40, nays 0, and the substitute was adopted.

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, a roll call was taken, and the vote was as follows:

Abernathy	Y	Griffin	Y	Price,R
Y Balfour	Y	Guhl	Y	Price,T
Y Blitch	Y	Harbison	Y	Ragan
Y Boshears	Y	Henson	Y	Ralston
Y Bowen	Y	Hill	Y	Ray
Y Broun, 46th	Y	Hooks		Roberts
Y Brown, 26th	Y	Huggins	Y	Scott
Y Brush	Y	James	Y	Starr
Y Burton	Y	Johnson,D	EX	Stokes
Y Cagle	Y	Johnson,E	Y	Streat
Y Cheeks	Y	Kemp	Y	Tanksley
Y Clay	Y	Lamutt	Y	Taylor
Y Crotts	Y	Land	Y	Thomas,D
Y Dean	Y	Langford	Y	Thomas,N
Y Egan	Y	Madden	Y	Thompson
Y Fort	Y	Marable	Y	Turner
Y Gillis	Y	Middleton	Y	Tysinger
Y Glanton		Oliver	Y	Walker
Y Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 52, nays 0.

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

The following bill was taken up to consider House action thereto:

SR 559. By Senator Thompson of the 33rd:

A resolution proposing an amendment to the Constitution so as to authorize the General Assembly to provide by general law for a roadside enhancement and beautification fund, for allocation and dedication of certain revenue to such fund, and that moneys paid into the fund shall not lapse; to provide that an Act creating the fund and making such provisions may originate in the Senate or the House of Representatives.

The House amendment was as follows:

Amend SR 559 by inserting between "Representatives;" and "to" on line 8 of page 1 the following:

"to provide for the creation of the Georgia Wildflower and Roadside Enhancement and Beautification Trust Fund; to provide for the dedication and deposit of revenues from specified sources for the purposes of the fund; to provide that such funds shall not lapse;"

By striking "a new subparagraph (k)" and inserting in its place "new subparagraphs (k) and (l) on line 14 of page 1.

By striking line 28 of page 1 and inserting in its place the following:

"the House of Representatives.

"(l) There is created the Georgia Wildflower and Roadside Enhancement and Beautification Trust Fund. All moneys derived from the sale of special and distinctive wildflower license plates shall be dedicated to and appropriated for the establishment and operation of the Georgia Wildflower and Roadside Enhancement and Beautification Project which shall include planning and implementation of a comprehensive plan for the planting and permanent maintenance of wildflowers along the public roads of the interstate and federal-aid primary highway system in this state. The Georgia Wildflower and Roadside Enhancement and Beautification Project shall be administered and implemented by the Department of Transportation. The moneys of the Georgia Wildflower and Roadside Enhancement and Beautification Trust Fund shall be maintained separately from and shall not be utilized for any other activities of the Georgia Department of Transportation. Moneys deposited into the fund shall not be subject to the provisions of Article III, Section IX, Paragraph IV(c) relative to the lapsing of funds."

By striking line 13 of page 2 and inserting in its place the following:

"House of Representatives and to provide for the creation of the Georgia Wildflower and Roadside Enhancement and Beautification Trust Fund and the dedication of all moneys derived from the sale of special and distinctive wildflower license plates to such fund for the purpose of implementing a permanent plan of wildflower plantings along the public roads of the interstate and federal-aid primary highways system in this state?"

Senator Thompson of the 33rd moved that the Senate disagree to the House amendment to SR 559.

On the motion, the yeas were 37, nays 0; the motion prevailed, and the Senate disagreed to the House amendment to SR 559.

The following bill was taken up to consider House action thereto:

SB 651. By Senators Boshears of the 6th and Kemp of the 3rd:

A bill to provide homestead exemptions from Glynn County ad valorem taxes for county purposes for certain residents of that county; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for the specific repeal of an Act approved March 16, 1994, relating to homestead exemptions for such county; to provide for applicability.

The House substitute was as follows:

A BILL

To be entitled an Act to provide homestead exemptions from Glynn County ad valorem taxes for county purposes for certain residents of that county; to provide for definitions; to specify the terms and conditions of the exemptions and the procedures relating thereto; to provide for the specific repeal of an Act approved March 16, 1994 (Ga. L. 1994, p. 3920), relating to homestead exemptions for such county; to provide for applica-

bility; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

For purposes of this Act, the term:

- (1) "Ad valorem taxes for county purposes" means all ad valorem taxes for county purposes levied by, for, or on behalf of Glynn County, including, but not limited to, taxes to pay interest on and to retire bonded indebtedness.
- (2) "Homestead" means homestead as defined and qualified in Code Section 48-5-40 of the O.C.G.A.
- (3) "Income" means gross income, as defined by Georgia law, from all sources.
- (4) "Senior citizen" means a person who is 62 years of age or over on or before January 1 of the year in which application for the exemption under this subsection is made.

SECTION 2.

(a) Each resident of Glynn County is granted an exemption on that person's homestead from all Glynn County ad valorem taxes for county purposes in the amount of \$8,000.00 of the assessed value of that homestead. The value of that property in excess of such exempted amount shall remain subject to taxation.

(b)(1) In addition the homestead exemption provided for under subsection (a) of this section, each resident of Glynn County who is a senior citizen is granted an exemption on that person's homestead from all Glynn County ad valorem taxes for county purposes in the amount of either:

- (A) \$10,000.00 of the assessed value of that homestead, if that person's income, together with the income of the spouse of such person who resides within such homestead, does not exceed \$20,000.00 for the immediately preceding taxable year; or
- (B) \$8,000.00 of the assessed value of that homestead.

(2) The value of that property in excess of such exempted amount shall remain subject to taxation.

(c) A person shall not receive either homestead exemption granted by subsection (b) of this section unless the person or person's agent files an affidavit with the tax commissioner of Glynn County giving the person's age and the amount of income which the person and the person's spouse residing within such homestead received during the last taxable year and such additional information relative to receiving such exemption as will enable the tax commissioner to make a determination as to whether such owner is entitled to such exemption. The tax commissioner shall provide affidavit forms for this purpose.

SECTION 3.

The tax commissioner of Glynn County or the designee thereof shall provide application forms for the exemptions granted by this Act and shall require such information as may be necessary to determine the initial and continuing eligibility of the owner for the exemptions.

SECTION 4.

The exemptions shall be claimed and returned as provided in Code Section 48-5-50.1 of the O.C.G.A. The exemptions shall be automatically renewed from year to year as long as the owner occupies the residence as a homestead. After a person has filed the proper affidavit as provided in subsection (c) of Section 2 of this Act, it shall not be necessary to make application and file such affidavit thereafter for any year, and the exemption shall continue to be allowed to such person. It shall be the duty of any person granted the homestead exemption under this Act to notify the tax commissioner of Glynn County or the designee thereof in the event that person for any reason becomes ineligible for that exemption.

SECTION 5.

The exemptions granted by this Act shall not apply to or affect any state taxes, municipal taxes, independent school district taxes, or Glynn County School District taxes for educational purposes. Except for the limitation specified in paragraph (1) of subsection (b) of Section 2 of this Act, the homestead exemptions granted by this Act shall be in addition to and not in lieu of any other homestead exemption applicable to Glynn County ad valorem taxes for county purposes.

SECTION 6.

The exemption granted by this Act shall apply to all taxable years beginning on or after January 1, 1999.

SECTION 7.

If this Act is approved in the referendum provided for in Section 8 of this Act, an Act approved March 24, 1994 (Ga. L. 1994, p. 3920), providing for homestead exemptions from Glynn County ad valorem taxes for county purposes is repealed effective at the last moment of December 31, 1998.

SECTION 8.

Unless prohibited by the federal Voting Rights Act of 1965, as amended, the election superintendent of Glynn County shall call and conduct an election as provided in this section for the purpose of submitting this Act to the electors of Glynn County for approval or rejection. The election superintendent shall conduct that election on the date of the 1998 state-wide general election and shall issue the call and conduct that election as provided by general law. The superintendent shall cause the date and purpose of the election to be published once a week for two weeks immediately preceding the date thereof in the official organ of Glynn County. The ballot shall have written or printed thereon the words:

- “() YES Shall the Act be approved which provides new homestead exemptions from Glynn County ad valorem taxes for county purposes as follows: (1) \$8,000.00 of the assessed value of the homestead for all residents; and (2) either \$10,000.00 of the assessed value of the homestead for residents who are 62 years of age or older and whose income does not exceed \$20,000.00 or \$8,000.00 of the assessed value of the homestead for residents who are 62 years of age or over without regard to annual income; and which repeals the current exemptions?”
- () NO

All persons desiring to vote for approval of the Act shall vote “Yes,” and those persons desiring to vote for rejection of the Act shall vote “No.” If more than one-half of the votes cast on such question are for approval of the Act, Sections 1 through 7 shall be-

come of full force and effect on January 1, 1999. If the Act is not so approved or if the election is not conducted as provided in this section, Sections 1 through 7 of this Act shall not become effective and this Act shall be automatically repealed on the first day of January immediately following that election date.

The expense of such election shall be borne by Glynn County. It shall be the election superintendent's duty to certify the result thereof to the Secretary of State.

SECTION 9.

Except as otherwise provided in Section 8 of this Act, this Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 10.

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

Senator Boshears of the 6th moved that the Senate agree to the House substitute to SB 651.

On the motion, the yeas were 34, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 651.

The Calendar was resumed.

HB 249. By Representative Campbell of the 42nd:

A bill to amend Code Section 19-3-30 of the Official Code of Georgia Annotated, relating to the issuance, return, and recording of marriage licenses, so as to authorize federal judges to perform marriage ceremonies.

Senate Sponsor: Senator Glanton of the 34th.

The Senate Committee on Special Judiciary offered the following substitute to HB 249:

A BILL

To be entitled an Act to amend Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, so as to provide for covenant marriage; to provide for a short title; to provide for definitions; to provide for procedures; to provide for conditions and limitations; to provide for duties and authority of the office of Attorney General; to provide effective dates; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Chapter 3 of Title 19 of the Official Code of Georgia Annotated, relating to marriage generally, is amended by adding a new article at the end thereof, to be designated Article 4, to read as follows:

“ARTICLE 4

19-3-80.

This article shall be known and may be cited as the ‘Covenant Marriage Act.’

19-3-81.

As used in this article, the term ‘authorized counseling’ means marital counseling provided by a priest, minister, rabbi, clerk of the Society of Friends, any clergy member of any religious sect, a marriage and family therapist licensed under Chapter 10A of Title 43, a clinical social worker or licensed professional counselor, or a psychologist licensed under Chapter 39 of Title 43.

19-3-82.

(a) A covenant marriage is a marriage entered into by one male and one female who understand and agree that the marriage between them is a lifelong relationship. Parties to a covenant marriage have received authorized counseling emphasizing the nature and purposes of marriage and the responsibilities thereto. Only when there has been a complete and total breach of the marital covenant commitment may the non-breaching party seek a declaration that the marriage is no longer legally recognized.

(b) A man and woman may contract a covenant marriage by declaring their intent to do so on their application for a marriage license, as otherwise required under Article 2 of this chapter, and executing a declaration of intent to contract a covenant marriage as provided in Code Section 19-3-83. The application for a marriage license and the declaration of intent shall be filed with the official who issues the marriage license.

19-3-83.

(a) A declaration of intent to contract a covenant marriage shall contain all of the following:

(1) A recitation by the parties to the following effect:

‘A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We have chosen each other carefully and disclosed to one another everything which could adversely affect the decision to enter into this marriage. We have received authorized counseling on the nature, purposes, and responsibilities of marriage. We have read the Covenant Marriage Act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Georgia law on covenant marriages and we promise to love, honor, and care for one another as husband and wife for the rest of our lives.;

(2)(A) An affidavit by the parties that they have received authorized counseling which shall include a discussion of the seriousness of covenant marriage, communication of the fact that a covenant marriage is a commitment for life, a discussion of the obligation to seek marital counseling in times of marital difficulties, and a discussion of the exclusive grounds for legally terminating a covenant marriage by divorce.

(B) A notarized attestation, signed by the counselor and attached to or included in the parties' affidavit, confirming that the parties received authorized counseling as to the nature and purpose of the marriage and the grounds for termination thereof and an acknowledgment that the counselor provided to the parties the informational pamphlet developed and promulgated by the office of the Attorney General under this article, which pamphlet provides a full explanation of the terms and conditions of a covenant marriage; and

(3)(A) The signature of both parties witnessed by a notary.

(B) If one or both of the parties are minors, the written consent or authorization of those persons required under this chapter to consent to or authorize the marriage of minors.

(b) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which shall be retained by the parties and the other, together with the affidavit and attestation, shall be filed as provided in subsection (b) of Code Section 19-3-82.

19-3-84.

A covenant marriage shall be governed by all of the provisions of this title, except as otherwise specifically provided in this article.

19-3-85.

(a) On or after January 1, 1999, married couples with a Georgia marriage license may execute a declaration of intent to designate their marriage as a covenant marriage to be governed by this article.

(b) This declaration of intent in the form and containing the contents required by subsection (c) of this Code section must be presented to the officer who issued the couple's marriage license and with whom the couple's marriage certificate is filed. The officer shall make a notation on the marriage certificate of the declaration of intent of a covenant marriage and attach a copy of the declaration to the certificate.

(c)(1) A declaration of intent to designate a marriage as a covenant marriage shall contain all of the following:

(A) A recitation by the parties to the following effect:

'A COVENANT MARRIAGE

We do solemnly declare that marriage is a covenant between a man and a woman who agree to live together as husband and wife for so long as they both may live. We understand the nature, purpose, and responsibilities of marriage. We have read the Covenant Marriage Act, and we understand that a covenant marriage is for life. If we experience marital difficulties, we commit ourselves to take all reasonable efforts to preserve our marriage, including marital counseling.

With full knowledge of what this commitment means, we do hereby declare that our marriage will be bound by Georgia law on covenant marriage, and we renew our promise to love, honor, and care for one another as husband and wife for the rest of our lives.'; and

(B)(i) An affidavit by the parties that they have discussed their intent to designate their marriage as a covenant marriage with an authorized counselor, which included a discussion of the obligation to seek marital counseling in times of marital difficulties and the exclusive grounds for legally terminating a covenant marriage by divorce.

(ii) A notarized attestation, signed by the counselor and attached to the parties' affidavit, acknowledging that the counselor provided to the parties the information pamphlet developed and promulgated by the office of the Attorney General under this article, which pamphlet provides a full explanation of the terms and conditions of a covenant marriage.

(iii) The signature of both parties witnessed by a notary.

(2) The declaration shall contain two separate documents, the recitation and the affidavit, the latter of which shall include the attestation either included therein or attached thereto. The recitation shall be prepared in duplicate originals, one of which

shall be retained by the parties and the other, together with the affidavit and attestation, shall be filed as provided in subsection (b) of this Code section.

19-3-86.

(a) Notwithstanding any other law to the contrary and subsequent to the parties obtaining authorized counseling, a spouse to a covenant marriage may obtain a judgment of divorce only upon proof of any of the following:

- (1) The other spouse has committed adultery;
- (2) The other spouse has committed a felony and has been sentenced to death or imprisonment;
- (3) The other spouse has abandoned the matrimonial domicile for a period of one year and constantly refuses to return;
- (4) The other spouse has physically or sexually abused the spouse seeking the divorce or a child of one of the spouses; or
- (5) The spouses have been living separate and apart continuously without reconciliation for a period of one year.

(b) No spouse shall be required to obtain or participate in counseling as a condition of divorce pursuant to the grounds set forth in paragraphs (2) and (4) of subsection (a) of this Code section.

19-3-87.

In any case in which the parties are ineligible for a decree of divorce due to their failure to satisfy the requirements of Code Section 19-3-86, an action shall nonetheless lie for spousal support, child support, child custody, apportionment of debts, and possession of separate and marital property.

19-3-88.

The office of Attorney General shall, prior to January 1, 1999, promulgate an informational pamphlet, entitled 'Covenant Marriage Act,' which shall outline in sufficient detail the consequences of entering into a covenant marriage. The informational pamphlet shall be made available to any counselor who provides authorized counseling as provided for by this article."

SECTION 2.

The provisions of this Act which require the Attorney General to prepare and make available an informational pamphlet relating to covenant marriage shall become effective upon their approval by the Governor or upon their becoming law without such approval. The remaining provisions of this Act shall become effective January 1, 1999.

SECTION 3.

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

Senators Gochenour of the 27th, Dean of the 31st, Glanton of the 34th and others offered the following amendment:

Amend the Senate Special Judiciary Committee substitute to HB 249 by deleting "Chapter 3 of" from lines 1 and 11 of page 1, by striking "marriage generally" and inserting in its place "domestic relations" on lines 2 and 12 of page 1 and by inserting after the semicolon on line 5 of page 1 the following:

“to provide that no final judgment and decree of divorce shall be granted for a period of six months following the date of the filing of the petition in any case in which the parties are the parents of a minor child;”

By striking “thereof” and inserting in its place “of Chapter 3 of said title” on line 13 of page 1.

By redesignating Sections 2 and 3 as Sections 3 and 4, respectively.

By inserting between lines 4 and 5 of page 6 the following:

“SECTION 2.

Said title is further amended by adding, following Code Section 19-5-8, a new Code Section 19-5-8.1 to read as follows:

‘19-5-8.1.

No final judgment and decree of divorce shall be granted for a period of six months following the date of the filing of the petition in any case in which the parties are the parents of a minor child.”

On the adoption of the amendment, the yeas were 28, nays 13, and the Gochenour, et al. amendment to the committee substitute was adopted.

On the adoption of the substitute, the yeas were 38, nays 5, and the substitute was adopted as amended.

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

On the passage of the bill, a roll call was taken, and the vote was as follows:

N	Abernathy	N	Griffin	Y	Price,R
Y	Balfour	Y	Guhl	Y	Price,T
Y	Blitch		Harbison	Y	Ragan
Y	Boshears	N	Henson	Y	Ralston
Y	Bowen	Y	Hill	Y	Ray
Y	Broun, 46th	Y	Hooks	Y	Roberts
N	Brown, 26th	Y	Huggins	N	Scott
Y	Brush		James	Y	Starr
Y	Burton	Y	Johnson,D	EX	Stokes
Y	Cagle	Y	Johnson,E	Y	Streat
Y	Cheeks	Y	Kemp		Tanksley
Y	Clay		Lamutt	Y	Taylor
Y	Crotts		Land	Y	Thomas,D
Y	Dean	N	Langford	Y	Thomas,N
Y	Egan	Y	Madden	Y	Thompson
N	Fort	Y	Marable	Y	Turner
Y	Gillis	Y	Middleton	Y	Tysinger
Y	Glanton	N	Oliver	N	Walker
Y	Gochenour	Y	Perdue		

On the passage of the bill, the yeas were 41, nays 9.

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

Serving as doctor of the day was Dr. Thad Riley of Statesboro, Georgia.

Senator Walker of the 22nd moved that the Senate adjourn until 9:00 A.M. tomorrow; the motion prevailed, and at 3:25 P.M. the President announced the Senate adjourned.

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Bonds or other evidence of indebtedness may be issued in accordance with the provisions of law relating to the increase of indebtedness of municipalities to meet all or any part of the cost of the direct electronic recording voting systems.

21-3-279.4.

The governing authority of any municipality may at any regular meeting or at a special meeting called for the purpose, by a majority vote, authorize and direct the purchase of direct electronic recording voting systems for recording and computing the vote at elections held in the municipality; and thereupon the governing authority shall purchase, lease, rent, or otherwise procure direct electronic recording voting systems conforming to the requirements of this part."

SECTION 6.

Said title is further amended by striking in its entirety paragraph (15) of Code Section 21-3-2, relating to definitions applicable to municipal primaries and elections, and inserting in lieu thereof a new paragraph (15) to read as follows:

"(15) 'Official ballot' means a paper ballot which is furnished by the superintendent in accordance with Code Section 21-3-280, including ballots read by optical scanning tabulators."

SECTION 7.

Said title is further amended by striking in its entirety Code Section 21-3-264, relating to use of optical scan voting systems, which reads as follows:

"21-3-264.

Optical scan voting systems shall conform as nearly as practicable to the provisions of this chapter regarding vote recorders and tabulating machines."

SECTION 8.

Said title is further amended by adding after Part 3 of Article 9 of Chapter 3 thereof a new Part 4 to read as follows:

"Part 4

21-3-270.

(a) At the top of each ballot for an election in a precinct using optical scanning voting equipment shall be printed in prominent type the words 'OFFICIAL BALLOT,' followed by the designation of the precinct for which it is prepared and the name and date of the election.

(b) Immediately under this caption on a ballot presenting the names of candidates for election to office, the following directions shall be printed, insofar as the same may be appropriate for the election involved:

(1) Optical scanners using ovals or squares. To vote blacken the oval or square (_____) next to the candidate of your choice. To vote for a person whose name is not on the ballot, manually write his or her name in the write-in section and blacken the oval or square next to the write-in section. If you spoil your ballot, do not erase, but ask for a new ballot. Use only the pen or pencil provided.

(2) Optical scanners using arrows. To vote, complete the arrow (_____) to the right of the name of the candidate for whom you wish to vote. To vote for a person whose name is not on the ballot, manually write his or her name in the write-in space provided and complete the arrow. If you spoil your ballot, do not erase, but ask for a new ballot. Use only the pen or pencil provided.

- (3) Marks made in violation of these directions shall be disregarded in the counting of the votes cast. The names of the persons inserted on the ballot by the elector shall be manually written only within the write-in section and the insertion of such names outside such section or by the use of a sticker, paster, stamp, or other printed or written matter is prohibited.
- (c) The ballot for each candidate or group of candidates nominated by a party or body shall contain the name or designation of the party or body.
- (d) The titles of offices may be arranged horizontally with the names of candidates for an office arranged transversely under the title of the office. The incumbency of a candidate seeking election for the public office he or she then holds shall be indicated on the ballot.
- (e) The form and arrangement of ballots shall be prepared by the superintendent.
- (f) Unless a candidate has filed with his or her nominating petition a certificate from a political party or body attesting that such candidate is the nominee of such party by virtue of having been nominated in a duly constituted party convention, the candidate's name shall appear on the ballot as an independent.
- (g) When presidential electors are to be elected, the names or the nominees of each political party or body for such offices shall be arranged alphabetically under the names of the candidates of the party or body for President and Vice President of the United States.
- (h) When proposed constitutional amendments or other questions are submitted to a vote of the electors, each amendment or other question so submitted may be printed upon the ballot below the groups of candidates for the various offices. Proposed constitutional amendments so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State. Unless otherwise provided by law, any other statewide questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the Secretary of State; and any local questions so submitted shall be printed in brief form as directed by the General Assembly and, in the event of a failure to so direct, the form shall be determined by the superintendent. Next to the question there shall be placed the words 'YES' and 'NO' together with appropriate ovals or squares or broken arrows to be marked.
- (i) The ballots shall vary in form only as the names of precincts, offices, candidates, or this chapter may require.

21-3-271.

Ballots in a precinct using optical scanning voting equipment shall be of suitable design, size, and stock to permit processing by a tabulating machine and shall be printed in black ink on white or colored material. A serially numbered strip shall be attached to each ballot.

21-3-272.

Ballots in a precinct using optical scanning voting equipment for use by absentee electors shall be prepared sufficiently in advance by the superintendent and shall be delivered to the board of registrars as provided in Code Section 21-2-384. Such ballots shall be marked 'Official Absentee Ballot' and shall be in substantially the form for ballots required by Article 8 of this chapter, except that in counties using voting machines, vote recorders, or optical scanners the ballots may be in substantially the form