

Senate Chamber, Atlanta, Georgia
Thursday, January 27, 2005
Seventh Legislative Day

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

Senator Balfour of the 9th reported that the Journal of the previous legislative day had been read and found to be correct.

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

The Journal was confirmed.

The following Senate legislation was introduced, read the first time and referred to committee:

SB 63. By Senators Bulloch of the 11th, Goggans of the 7th and Golden of the 8th:

A BILL to be entitled an Act to amend Code Section 15-6-2 of the O.C.G.A., relating to the number of superior court judges for each judicial circuit, so as to create a new fifth superior court judgeship for the Southern Judicial Circuit; to provide for the initial appointment, election, and term of office of such judge; to provide for the qualifications and for the compensation, salary, and expense allowance of such judge to be paid by the State of Georgia and the counties comprising the judicial circuit; to provide for jurors; to authorize the judges of said circuit to divide and allocate the work and duties thereto and provide for the duties of the chief judge and presiding judges; to provide for powers, duties, and responsibilities of judges of said circuit; to declare inherent authority; to provide effective dates; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 64. By Senator Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 40-1-7 of the Official Code of Georgia Annotated, relating to the requirement that officers enforcing traffic laws have a blue light on the roof of their vehicles, so as to repeal the requirement that officers enforcing traffic laws have a blue light on the roof of

their vehicles; to provide an effective date; to repeal conflicting laws; and for other purposes

Referred to the Public Safety and Homeland Security Committee.

SB 65. By Senator Brown of the 26th:

A BILL to be entitled an Act to amend Part 1 of Article 5 of Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to equalization of assessments, so as to provide authority to the state revenue commissioner to investigate property tax valuations; to provide for actions and prosecutions; to provide for reassessment orders; to provide for appeals; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

SB 66. By Senators Henson of the 41st and Tate of the 38th:

A BILL to be entitled an Act to amend Article 5 of Chapter 2 of Title 47 of the Official Code of Georgia Annotated, relating to service creditable toward retirement benefits under the Employees' Retirement System of Georgia, so as to provide that a member who has withdrawn contributions from the Employees' Retirement System of Georgia or the Teachers Retirement System of Georgia may reestablish creditable service without a waiting period; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

SB 67. By Senators Henson of the 41st, Brown of the 26th, Miles of the 43rd, Fort of the 39th, Tate of the 38th and others:

A BILL to be entitled an Act to amend Code Section 47-3-83 of the Official Code of Georgia Annotated, relating to service credit in the Teachers Retirement System of Georgia for active duty service in the armed forces of the United States and certain limitations on such service, so as to provide for creditable service for certain periods of active duty; to provide conditions for an effective date and automatic repeal; to repeal conflicting laws; and for other purposes.

Referred to the Retirement Committee.

- SB 68. By Senators Seabaugh of the 28th, Johnson of the 1st, Stephens of the 27th, Balfour of the 9th, Brown of the 26th and others:

A BILL to be entitled an Act to amend Chapter 39A of Title 43 of the O.C.G.A., relating to real estate appraisers, so as to change certain definitions; to provide for board member recusals under certain circumstances; to provide for board approval of schools and instructors offering continuing education courses; to change certain provisions relating to hearings and investigations; to amend Chapter 40 of Title 43 of the O.C.G.A., relating to real estate brokers and salespersons, so as to change certain definitions; to provide for recusal of a commission member in certain circumstances; to change a provision relating to removal of a commission member; to provide for the appointment of a director or coordinator for each approved school; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

- SR 41. By Senators Brown of the 26th and Johnson of the 1st:

A RESOLUTION creating the Senate Music Industry Committee, an interim study committee, and a citizens' advisory council thereto; and for other purposes.

Referred to the Economic Development Committee.

- SR 42. By Senators Stoner of the 6th, Golden of the 8th, Butler of the 55th, Powell of the 23rd, Meyer von Bremen of the 12th and others:

A RESOLUTION proposing an amendment to the Constitution so as to authorize the General Assembly by general law to provide for public funding of social services provided by separate charitable affiliates of religion or sectarian organizations pursuant to contracts for the provision of such services and to provide for conditions and requirements relative to such contracts; to provide that the General Assembly may appropriate federal funds received by the state; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Rules Committee.

The following committee report was read by the Secretary:

Mr. President:

The Special Judiciary Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

SB 6 Do Pass

Respectfully submitted,
Senator Meyer von Bremen of the 12th District, Chairman

The following legislation was read the second time:

SB 34

Senator Brown of the 26th asked unanimous consent that Senator Walker of the 22nd be excused. The consent was granted, and Senator Walker was excused.

The roll was called and the following Senators answered to their names:

Adelman	Henson	Smith
Balfour	Hill,Jack	Starr
Brown	Hill,Judson	Staton
Bulloch	Hooks	Stephens
Butler	Hudgens	Stoner
Cagle	Johnson	Tate
Carter	Jones	Thomas,D
Chance	Kemp	Thomas,R
Chapman	Me V Bremen	Thompson,C
Douglas	Miles	Thompson,S
Fort	Moody	Tolleson
Goggans	Mullis	Unterman
Golden	Powell	Weber
Grant	Reed	Whitehead
Hamrick	Rogers	Wiles
Harbison	Schaefer,N	Williams
Harp	Seabaugh	Zamarripa
Heath	Seay	

Not answering were Senators:

Pearson	Shafer, D	Walker (Excused)
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The members pledged allegiance to the flag.

Senator Seabaugh of the 28th introduced the chaplain of the day, Dr. Joel Richardson of

Newnan, Georgia, who offered scripture reading and prayer.

Senator Eric Johnson, President Pro Tempore, assumed the Chair.

The following resolutions were read and adopted:

SR 40. By Senators Thomas of the 54th, Schaefer of the 50th, Smith of the 52nd, Harp of the 29th, Hill of the 32nd and others:

A RESOLUTION commending the Partnership for Health and Accountability; and for other purposes.

SR 44. By Senators Douglas of the 17th, Johnson of the 1st, Stephens of the 27th, Hill of the 4th, Thomas of the 2nd and others:

A RESOLUTION commending all Vietnam Era Veterans and their families; to recognize May 4-8, 2005, as the 30th Observance of the Ending of the Vietnam War; and for other purposes.

SR 45. By Senators Staton of the 18th, Brown of the 26th, Harp of the 29th, Carter of the 13th, Tolleson of the 20th and others:

A RESOLUTION expressing regret at the passing of William Augustus Bootle; and for other purposes.

SR 43. By Senators Stephens of the 27th and Pearson of the 51st:

A RESOLUTION honoring and remembering the life of Karitza (Kara) Chakrabandhu; and for other purposes.

Senator Stephens of the 27th spoke to SR 43, commemorating Karitza (Kara) Chakrabandhu.

Senator Thomas of the 2nd introduced the doctor of the day, Dr. Michael Zoller.

The President resumed the Chair.

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 68. By Representatives Keen of the 179th and Porter of the 143rd:

A RESOLUTION relative to adjournment; and for other purposes.

SENATE RULES CALENDAR
THURSDAY, JANUARY 27, 2005
SEVENTH LEGISLATIVE DAY

SB 33 Georgia Virtual School; authorize establishment; enrollment determination; rules/regulations (Substitute)(ED&Y-56th)

Respectfully submitted,

/s/ Balfour of the 9th, Chairman
Senate Rules Committee

The following legislation was read the third time and put upon its passage:

SB 33. By Senators Moody of the 56th, Douglas of the 17th, Balfour of the 9th, Hooks of the 14th, Bulloch of the 11th and others:

A BILL to be entitled an Act to amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality Basic Education Act," so as to change certain provisions relating to determination of enrollment by institutional programs; to authorize the establishment of the Georgia Virtual School; to provide for rules and regulations; to provide for a Georgia Virtual School grant account; to provide for statutory construction; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The Senate Education and Youth Committee offered the following substitute to SB 33:

A BILL TO BE ENTITLED
AN ACT

To amend Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality Basic Education Act," so as to change certain provisions relating to determination of enrollment by institutional programs; to authorize the establishment of the Georgia Virtual School; to provide for rules and regulations; to provide for a Georgia Virtual School grant account; to provide for statutory construction; 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.

Article 6 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, the "Quality Basic Education Act," is amended by striking subsection (a) of Code Section 20-2-160, relating to determination of enrollment by institutional programs, and inserting in its place a new subsection (a) to read as follows:

"(a) The State Board of Education shall designate the specific dates upon which two counts of students enrolled in each instructional program authorized under this article shall be made each school year and by which the counts shall be reported to the Department of Education. The initial enrollment count shall be made after October 1 but prior to November 17 and the final enrollment count after March 1 but prior to May 1. The report shall indicate the student's specific assigned program for each one-sixth segment of the school day on the designated reporting date. No program shall be indicated for a student for any one-sixth segment of the school day that the student is assigned to a study hall; a noncredit course; a course recognized under this article or by state board policy as an enrichment course, except a driver education course; a course which requires participation in an extracurricular activity for which enrollment is on a competitive basis; a course in which the student serves as a student assistant to a teacher, in a school office, or in the media center, except when such placement is an approved work site of a recognized career or vocational program; an individual study course for which no outline of course objectives is prepared in writing prior to the beginning of the course; a course taken through the Georgia Virtual School pursuant to Code Section 20-2-319; or any other course or activity so designated by the state board. For the purpose of this Code section, the term 'enrichment course' means a course which does not dedicate a major portion of the class time toward the development and enhancement of one or more student competencies as adopted by the state board under Code Section 20-2-140. A program shall not be indicated for a student for any one-sixth segment of the school day for which the student is not enrolled in an instructional program or has not attended a class or classes within the preceding ten days; nor shall a program be indicated for a student for any one-sixth segment of the school day for which the student is charged tuition or fees or is required to provide materials or equipment beyond those authorized pursuant to Code Section 20-2-133. A student who is enrolled in an eligible institution under the program established in Code Section 20-2-161.1 may be counted for the high school program for only that portion of the day that the student is attending the high school for those segments that are eligible to be counted under this subsection. The state board shall adopt such regulations and criteria as necessary to ensure objective and true counts of students in state approved instructional programs. The state board shall also establish criteria by which students shall be counted as resident or nonresident students, including specific circumstances which may include, but not be limited to, students attending another local school

system under court order or under the terms of a contract between two local school systems. If a local school system has a justifiable reason, it may seek authority from the state board to shift full-time equivalent program counts from the designated date to a requested alternate date."

SECTION 2.

Said article is further amended in Part 14, relating to other educational programs under the "Quality Basic Education Act," by inserting at the end thereof a new Code Section 20-2-319 to read as follows:

"20-2-319.

(a) The State Board of Education is authorized to establish the Georgia Virtual School whereby students may enroll in state funded courses via the Internet or in any other manner not involving on-site interaction with a teacher. Any Georgia student who is age 21 or younger shall be eligible to enroll in the Georgia Virtual School for a maximum of six courses per school year at no cost to the student. The State Board of Education is authorized to promulgate rules and regulations pertaining to the Georgia Virtual School. Such rules and regulations, if established, shall include, at a minimum, a process for students to enroll in Georgia Virtual School courses, including provisions allowing for students to participate in such courses in excess of the six courses allowed per year at a tuition rate to be established by the State Board of Education, and a process whereby a student's grade in the course is reported on the student's transcript. All teachers who provide instruction through the Georgia Virtual School shall be certified by the Professional Standards Commission.

(b) The department is authorized to establish a Georgia Virtual School grant account with funds appropriated by the General Assembly. The amount of funds requested by the state board for this account shall be the amount that the participating students would have earned under this article if those students had been in equivalent general education programs in a local school system for that portion of the instructional day in which the students were actually enrolled in a Georgia Virtual School course. The department shall use funds from this grant account to pay for costs associated with the Georgia Virtual School incurred by the department, including, but not limited to, actual costs of tuition, materials, and fees directly related to the approved courses taken by the students through the Georgia Virtual School.

(c) The Georgia Virtual School shall not be considered a school for purposes of Article 2 of Chapter 14 of this title."

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.

Senators Tate of the 38th, Thomas of the 2nd and Fort of the 39th offered the following amendment #1:

Amend the Senate Education and Youth Committee substitute to SB 33 by striking lines 30 through 32 on page 2 and inserting in lieu thereof the following:

"not involving on-site interaction with a teacher. The State Board of Education is".

Senator Adelman of the 42nd offered the following amendment #1a:

Amend the amendment to SB 33 by inserting at p.2, line 30 after "teacher."

Provided, however, public school students shall be given priority.

On the adoption of the amendment, the yeas were 31, nays 15, and the Adelman amendment #1a was adopted.

On the adoption of the amendment as amended, the yeas were 18, nays 33, and the Tate et al. amendment #1 was lost.

Pursuant to the failure to adopt the Tate et al. amendment #1, amendment #1a was moot.

Senators Moody of the 56th and Williams of the 19th offered the following amendment #2:

Amend the substitute to SB 33 by adding on page 2, line 32, after student the following:

, provided that public school students shall be given priority.

On the adoption of the amendment, Senator Meyer von Bremen of the 12th called for the yeas and nays; the call was sustained, and the vote was as follows:

Y Adelman	Y Hill,Jack	Y Smith
N Balfour	N Hill,Judson	Y Starr
Y Brown	Y Hooks	N Staton
Y Bulloch	N Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
N Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
N Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
N Douglas	Y Moody	Y Thompson,S
Y Fort	N Mullis	N Tolleson
Y Goggans	N Pearson	N Unterman

Y Golden	Y Powell	E Walker
Y Grant	Y Reed	Y Weber
N Hamrick	N Rogers	Y Whitehead
Y Harbison	N Schaefer,N	N Wiles
Y Harp	N Seabaugh	Y Williams
N Heath	Y Seay	Y Zamarripa
Y Henson	N Shafer,D	

On the adoption of the amendment, the yeas were 37, nays 18, and the Moody, Williams amendment #2 was adopted.

Senator Adelman of the 42nd offered the following amendment #3:

Amend the committee substitute to SB 33 by inserting at p.2, line 30 after “teacher.”

Provided, however, public school students shall be given priority.

Senator Adelman of the 42nd asked unanimous consent that his amendment #3 be withdrawn. The consent was granted, and the amendment was withdrawn.

On the adoption of the substitute, the yeas were 51, 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 Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
Y Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tate
Y Carter	Y Kemp	Y Thomas,D
Y Chance	Y Me V Bremen	Y Thomas,R
Y Chapman	Y Miles	Y Thompson,C
Y Douglas	Y Moody	Y Thompson,S
Y Fort	Y Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	E Walker
Y Grant	Y Reed	Y Weber
Y Hamrick	Y Rogers	Y Whitehead

Y Harbison
 Y Harp
 Y Heath
 Y Henson

Y Schaefer,N
 Y Seabaugh
 Y Seay
 Y Shafer,D

Y Wiles
 Y Williams
 Y Zamarripa

On the passage of the bill, the yeas were 55, nays 0.

SB 33, having received the requisite constitutional majority, was passed by substitute.

The following resolution was read and adopted:

HR 68. By Representatives Keen of the 179th and Porter of the 143rd:

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 the close of the legislative day on Thursday, February 3, 2005, and shall reconvene on Monday, February 7, 2005.

BE IT FURTHER RESOLVED that the General Assembly shall adjourn at the close of the legislative day on Thursday, February 10, 2005, and shall reconvene on Monday, February 14, 2005.

BE IT FURTHER RESOLVED that for the remainder of the 2005 regular session, unless otherwise provided by subsequent joint resolution, the General Assembly shall adjourn at the close of the legislative day on each Friday on which the General Assembly is in session and shall reconvene on the following Monday.

BE IT FURTHER RESOLVED that, as authorized by Code Section 28-1-2, the hours for closing and convening the Senate on each day may be as ordered by the Senate; and the hours for closing and convening the House on each day may be as ordered by the House.

Senator Stephens of the 27th moved that the Senate adjourn until 9:00 a.m. Friday, January 28, 2005.

The motion prevailed, and the President announced the Senate adjourned at 12:36 p.m.