

Senate Chamber, Atlanta, Georgia
Monday, January 31, 2005
Ninth Legislative Day

The Senate met pursuant to adjournment at 1:00 p.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 87. By Senators Bulloch of the 11th, Hudgens of the 47th and Kemp of the 46th:

A BILL to be entitled an Act to amend Article 2 of Chapter 11 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Seed Law," so as to preempt certain local ordinances relating to seeds; to provide certain exemptions; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 88. By Senators Bulloch of the 11th, Hudgens of the 47th and Kemp of the 46th:

A BILL to be entitled an Act to amend Article 1 of Chapter 12 of Title 2 of the Official Code of Georgia Annotated, the "Georgia Fertilizer Act of 1997," so as to preempt certain local ordinances relating to fertilizer; to provide certain exemptions; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 89. By Senators Thomas of the 54th, Unterman of the 45th and Smith of the 52nd:

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 certain provisions relating to Schedule I controlled substances; to change

certain provisions relating to the definition of dangerous drug; to provide for exceptions; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 90. By Senators Thomas of the 54th, Reed of the 35th, Unterman of the 45th, Schaefer of the 50th, Miles of the 43rd and others:

A BILL to be entitled an Act to amend Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public health and morals, so as to enact the "Georgia Smokefree Air Act of 2005"; to prohibit smoking in certain facilities and areas; to state findings; to provide for definitions; to provide for exceptions; to provide for posting of signs; to provide for violations, penalties, and state and local government enforcement and administration; to provide for construction; to provide that this prohibition shall be cumulative to other general or local acts, rules, and regulations; to repeal a former prohibition against smoking in public places; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Health and Human Services Committee.

SB 91. By Senators Adelman of the 42nd and Williams of the 19th:

A BILL to be entitled an Act to amend Part 1A of Article 2 of Chapter 5 of Title 46 of the O.C.G.A., relating to the telephone system for the physically impaired, so as to provide for the establishment of a state-wide telecommunication system capable of providing audible universal information access services to blind and print disabled citizens; to authorize the Public Service Commission to contract for the administration and operation of such system; to provide for the use of a portion of the monthly maintenance surcharge to be used to fund such system; to provide for immunity for the commission and for the providers of such system; to set a date for the beginning operation of such system; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SB 92. By Senators Harp of the 29th, Tolleson of the 20th, Hamrick of the 30th, Heath of the 31st, Hudgens of the 47th and others:

A BILL to be entitled an Act to amend Code Section 34-4-3 of the Official Code of Georgia Annotated, relating to amount of minimum wage to be paid,

so as to provide for a training wage; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Insurance and Labor Committee.

SB 93. By Senators Harp of the 29th, Tolleson of the 20th, Hamrick of the 30th, Heath of the 31st, Goggans of the 7th and others:

A BILL to be entitled an Act to amend Article 1 of Chapter 2 of Title 40 of the Official Code of Georgia Annotated, relating to registration and licensing of motor vehicles generally, so as to prohibit the use of plastic or other types of material covering license plates; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 94. By Senators Harp of the 29th, Carter of the 13th, Heath of the 31st, Goggans of the 7th, Mullis of the 53rd and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 9 of Title 19 of the Official Code of Georgia Annotated, the "Georgia Child Custody Intrastate Jurisdiction Act of 1978," so as to change certain provisions relating to actions by physical or legal custodians not being permitted in certain circumstances; to prohibit other persons or entities from maintaining certain actions under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 95. By Senators Harp of the 29th, Kemp of the 46th, Stephens of the 27th, Hudgens of the 47th and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Title 43 of the O.C.G.A., relating to professions and businesses, so as to regulate the practice of soil science; to provide for a short title; to provide for legislative purpose; to define certain terms; to provide for inapplicability; to provide for the State Licensing Board for Professional Soil Scientists; to provide for board powers and duties; to provide for administration; to provide for certain records; to provide for filing and service of documents; to provide for applications; to provide for eligibility; to provide for licensing; to provide for refusal and discipline; to provide for seals; to provide for a code of professional conduct; to provide for charges of

violations; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SB 96. By Senators Henson of the 41st, Thompson of the 5th and Fort of the 39th:

A BILL to be entitled an Act 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 regulate the preparation, marketing, sale, and serving of Halal foods; to provide punishment for violations; to define certain terms; to repeal conflicting laws; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SB 97. By Senators Hamrick of the 30th, Mullis of the 53rd, Kemp of the 46th, Unterman of the 45th and Tate of the 38th:

A BILL to be entitled an Act to amend Code Section 15-11-71 of the Official Code of Georgia Annotated, relating to juvenile court supervision fees, so as to provide that fees may be used for truancy intervention services; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Special Judiciary Committee.

SB 98. By Senators Hudgens of the 47th, Cagle of the 49th, Johnson of the 1st, Kemp of the 46th and Douglas of the 17th:

A BILL to be entitled an Act to amend Code Section 20-2-55 of the Official Code of Georgia Annotated, relating to per diem and expenses of local boards of education, so as to authorize the expenditure of funds for life, disability, and liability insurance, retirement and pension coverage, social security coverage, and similar benefits for members of such local boards of education; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the Education and Youth Committee.

SB 99. By Senators Moody of the 56th and Butler of the 55th:

A BILL to be entitled an Act to amend an Act known as the "Metropolitan Atlanta Rapid Transit Authority Act of 1965," approved March 10, 1965 (Ga. L. 1965, p. 2243), as amended, particularly by an Act approved March 16, 1971 (Ga. L. 1971, p. 2092), so as to change certain provisions regarding

violations of the code of ethics; to add a certain provision regarding the removal of a member of the board of directors for violation of certain provisions regarding conflicts of interest; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

SR 52. By Senators Bulloch of the 11th, Mullis of the 53rd, Kemp of the 46th, Carter of the 13th, Cagle of the 49th and others:

A RESOLUTION creating the Joint Agricultural Education Study Committee; and for other purposes.

Referred to the Education and Youth Committee.

SR 54. By Senators Tolleson of the 20th, Harp of the 29th, Starr of the 44th, Bulloch of the 11th and Hudgens of the 47th:

A RESOLUTION creating the Joint "Future of Georgia Forestry" Study Committee; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

The following committee report was read by the Secretary:

Mr. President:

The State and Local Governmental Operations 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 42 Do Pass

Respectfully submitted,
 Senator Wiles of the 37th District, Chairman

The following legislation was read the second time:

SB 3 SB 48 SB 51

Senator Johnson of the 1st asked unanimous consent that the call of the roll be dispensed with. The consent was granted, and the roll call was dispensed with.

The members pledged allegiance to the flag.

Senator Thomas of the 2nd introduced the chaplain of the day, Dr. Harry Ross of Savannah, Georgia, who offered scripture reading and prayer.

Senator Smith of the 52nd introduced the doctor of the day, Dr. Keith Montgomery.

The following resolutions were read and adopted:

SR 51. By Senators Butler of the 55th, Miles of the 43rd, Thompson of the 5th, Adelman of the 42nd, Jones of the 10th and others:

A RESOLUTION recognizing and honoring John Evans; and for other purposes.

SR 53. By Senators Kemp of the 46th, Mullis of the 53rd, Chapman of the 3rd, Tolleson of the 20th, Seay of the 34th and others:

A RESOLUTION commending the firefighters of Georgia and observing the 33rd annual Firefighters' Recognition Day; and for other purposes.

SR 56. By Senator Henson of the 41st:

A RESOLUTION recognizing dental hygienists and Dental Hygienists' Appreciation Day; and for other purposes.

SR 57. By Senator Seabaugh of the 28th:

A RESOLUTION remembering and honoring the life of Mr. Tam H. Easterwood; and for other purposes.

SR 58. By Senators Tolleson of the 20th, Starr of the 44th, Johnson of the 1st, Stephens of the 27th, Kemp of the 46th and others:

A RESOLUTION recognizing and commending Mr. Hugh M. Gillis, Sr., for his outstanding public service; and for other purposes.

SR 59. By Senators Butler of the 55th, Henson of the 41st, Miles of the 43rd, Adelman of the 42nd, Jones of the 10th and others:

A RESOLUTION welcoming and thanking the citizens, employees, and public officials of DeKalb County, and declaring Monday, January 31, 2005, "Flavor of DeKalb" Day at the capitol; and for other purposes.

The following resolution was read and put upon its adoption:

SR 55. By Senators Golden of the 8th, Brown of the 26th, Starr of the 44th, Zamarripa of the 36th, Adelman of the 42nd and others:

A RESOLUTION commending Linda Meggers; and for other purposes.

Senator Balfour of the 9th objected and asked for a recorded vote.

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

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

On the adoption of the resolution, the yeas were 36, nays 14, and the resolution was adopted.

Senator Smith of the 52nd asked unanimous consent that the following bill be withdrawn from the Senate Health and Human Services Committee and committed to the Senate Judiciary Committee:

SB 52. By Senators Smith of the 52nd, Harp of the 29th, Carter of the 13th, Hill of the 32nd, Wiles of the 37th and others:

A BILL to be entitled an Act to amend Code Section 19-11-5 of the Official Code of Georgia Annotated, relating to debt to state created by payment of

public assistance, so as to provide for the waiver, reduction, or negotiation of the payment of unreimbursed public assistance under certain circumstances; to provide for related matters; to repeal conflicting laws; and for other purposes.

The consent was granted, and SB 52 was committed to the Senate Judiciary Committee.

SENATE LOCAL CONSENT CALENDAR

Monday, January 31, 2005
Ninth Legislative Day

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

The following local, uncontested legislation, favorably reported by the committee as listed on the Local Consent Calendar, was put upon its passage:

SB 42 Douglas of the 17th
CITY OF SOCIAL CIRCLE

A BILL to be entitled an Act to amend an Act incorporating the City of Social Circle, approved August 4, 1904 (Ga. L. 1904, p. 626), as amended, so as to change the corporate limits of the city; to repeal conflicting laws; and for other purposes.

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

On the passage of the legislation, a roll call was taken, and the vote was as follows:

Y Adelman	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
Douglas	Y Moody	Y Thompson,S
Y Fort	Mullis	Y Tolleson
Y Goggans	Y Pearson	Y Unterman
Y Golden	Y Powell	Walker
Y Grant	Y Reed	Y Weber

Y Hamrick
Y Harbison
Y Harp
 Heath
Y Henson

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

Y Whitehead
Y Wiles
Y Williams
Y Zamarripa

On the passage of the local legislation, the yeas were 51, nays 0.

The legislation on the Local Consent Calendar, having received the requisite constitutional majority, was passed.

Senator Stephens of the 27th moved that the Senate adjourn until 10:00 a.m. Tuesday, February 1, 2005.

The motion prevailed, and the President announced the Senate adjourned at 2:13 p.m.