

Senate Chamber, Atlanta, Georgia  
Thursday, February 9, 2006  
Sixteenth Legislative Day

The Senate met pursuant to adjournment at 9:00 a.m. today and was called to order by the President.

Senator Mullis of the 53rd 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 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 954. By Representatives Geisinger of the 48th, Chambers of the 81st, Lindsey of the 54th, Millar of the 79th, Franklin of the 43rd and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public transportation, so as to delete a prohibition against the sale or exchange of tokens, transfers, transaction cards, or tickets without consent; to repeal conflicting laws; and for other purposes.

HB 1019. By Representatives Day of the 163rd, Horne of the 71st, Neal of the 1st, Hanner of the 148th, Chambers of the 81st and others:

A BILL to be entitled an Act to create and establish the "Taser Certification Act"; to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to require certified training for law enforcement officers for the official use of tasers, stun guns, or other similar devices; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 1107. By Representatives Roberts of the 154th, Golick of the 34th, Smith of the 129th, Maddox of the 172nd, Smith of the 70th and others:  
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 the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to qualified donations of real property for conservation purposes; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for authority of the state revenue commissioner and the Department of Natural Resources with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

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

SB 525. By Senator Williams of the 19th:

A BILL to be entitled an Act to amend Chapter 3 of Title 48 of the Official Code of Georgia Annotated, relating to tax executions, so as to change certain provisions regarding the issuance of tax executions by tax collectors and tax commissioners; to provide for a definition; to provide for procedures; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

SB 526. By Senator Thompson of the 5th:

A BILL to be entitled an Act to amend Chapter 1 of Title 28 of the Official Code of Georgia Annotated, relating to general provisions concerning the General Assembly, so as to require the creation of an Internet website on which the public can determine how members of the General Assembly voted on bills and resolutions; to provide for the content and capabilities of such website; to provide for other related matters; to repeal conflicting laws; and for other purposes.

Referred to the Rules Committee.

SB 527. By Senator Thompson of the 5th:

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 that neither the filing of a notice of appeal nor the filing of an appeal of

a temporary protective order under Article 1 of Chapter 13 of Title 19 shall act as a stay or supersedeas of such order; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 528. By Senator Thompson of the 5th:

A BILL to be entitled an Act to amend Article 1 of Chapter 13 of Title 19 of the Official Code of Georgia Annotated, relating to granting of relief in family violence cases by the superior courts, so as to provide that neither the filing of a notice of appeal nor the filing of an appeal of a temporary protective order shall act as a stay or supersedeas of such order; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SB 529. By Senators Rogers of the 21st, Hamrick of the 30th, Douglas of the 17th, Schaefer of the 50th, Seabaugh of the 28th and others:

A BILL to be entitled an Act to amend Title 13 of the O.C.G.A., relating to contracts, Title 16 of the O.C.G.A., relating to crimes and offenses, Title 34 of the O.C.G.A., relating to labor, Title 35 of the O.C.G.A., relating to law enforcement, and Title 50 of the O.C.G.A., relating to state government, so as to provide for the comprehensive regulation of persons in this state who are not lawfully present in the United States; to provide for a short title; to provide for statutory construction; to provide for procedures and requirements applicable to certain contracts or subcontracts; to prohibit certain retaliation; to provide for enforcement, penalties, and exceptions; to provide for offenses regarding involuntary servitude, trafficking of persons for forced labor or services, and sexual servitude of a minor; to provide for related matters; to provide for effective dates; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Public Safety and Homeland Security Committee.

SB 530. By Senators Weber of the 40th and Seabaugh of the 28th:

A BILL to be entitled an Act to amend Code Section 44-14-361 of the Official Code of Georgia Annotated, relating to creation and attachment of liens in favor of mechanics and materialmen, so as to change certain provisions relating to such liens, the conditions under which they attach, the property to which they attach, and the value for which they are created; to provide for other

related matters; to repeal conflicting laws; and for other purposes.

Referred to the Judiciary Committee.

SR 817. By Senators Shafer of the 48th, Cagle of the 49th, Rogers of the 21st, Schaefer of the 50th, Pearson of the 51st and others:

A RESOLUTION proposing an amendment to the Constitution so as to restrict amendments that increase appropriations made by the general appropriations Act; to provide for a short title; to provide for the submission of this amendment for ratification or rejection; and for other purposes.

Referred to the Finance Committee.

SR 818. By Senators Bulloch of the 11th, Tolleson of the 20th, Hooks of the 14th, Weber of the 40th, Whitehead, Sr. of the 24th and others:

A RESOLUTION creating the Senate Septage Disposal Study Committee; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SR 823. By Senators Grant of the 25th, Stephens of the 27th, Thomas of the 54th, Golden of the 8th, Williams of the 19th and others:

A RESOLUTION authorizing the conveyance of certain state owned real property located in Appling County, Georgia; Baldwin and Wilkinson County, Georgia; Bibb County, Georgia; Bulloch County, Georgia; Emanuel County, Georgia; Fannin County, Georgia; Forsyth County, Georgia; Gilmer County, Georgia; Gwinnett County, Georgia; Lowndes County, Georgia; Screven County, Georgia; Terrell County, Georgia; Whitfield County, Georgia; to repeal conflicting laws; and for other purposes.

Referred to the State Institutions and Property Committee.

The following House legislation was read the first time and referred to committee:

HB 954. By Representatives Geisinger of the 48th, Chambers of the 81st, Lindsey of the 54th, Millar of the 79th, Franklin of the 43rd and others:

A BILL to be entitled an Act to amend Article 4 of Chapter 12 of Title 16 of the Official Code of Georgia Annotated, relating to offenses against public transportation, so as to delete a prohibition against the sale or exchange of

tokens, transfers, transaction cards, or tickets without consent; to repeal conflicting laws; and for other purposes.

Referred to the Transportation Committee.

HB 1019. By Representatives Day of the 163rd, Horne of the 71st, Neal of the 1st, Hanner of the 148th, Chambers of the 81st and others:

A BILL to be entitled an Act to create and establish the "Taser Certification Act"; to amend Chapter 8 of Title 35 of the Official Code of Georgia Annotated, relating to employment and training of peace officers, so as to require certified training for law enforcement officers for the official use of tasers, stun guns, or other similar devices; 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.

HB 1107. By Representatives Roberts of the 154th, Golick of the 34th, Smith of the 129th, Maddox of the 172nd, Smith of the 70th and others:

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 the imposition, rate, and computation of income tax, so as to provide for income tax credits with respect to qualified donations of real property for conservation purposes; to provide for definitions; to provide for conditions, limitations, and exclusions; to provide for authority of the state revenue commissioner and the Department of Natural Resources with respect to the foregoing; to provide an effective date; to provide for applicability; to repeal conflicting laws; and for other purposes.

Referred to the Finance Committee.

The following committee reports were read by the Secretary:

Mr. President:

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

HB 81	Do Pass	HB 1042	Do Pass
HB 173	Do Pass by substitute	HB 1080	Do Pass

Respectfully submitted,  
Senator Cagle of the 49th District, Chairman

Mr. President:

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

SR 435	Do Pass
SR 785	Do Pass
SR 789	Do Pass

Respectfully submitted,  
 Senator Tolleson of the 20th District, Chairman

Mr. President:

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

HB 425	Do Pass by substitute	SB 384	Do Pass
SB 248	Do Pass	SB 385	Do Pass by substitute

Respectfully submitted,  
 Senator Hudgens of the 47th District, Chairman

Mr. President:

The Public Safety and Homeland Security Committee has had under consideration the following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 1052	Do Pass	SB 370	Do Pass
SB 64	Do Pass by substitute	SB 520	Do Pass as amended

Respectfully submitted,  
 Senator Kemp of the 46th District, Chairman

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 469      Do Pass by substitute

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

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:

HB 784      Do Pass  
HB 1210     Do Pass

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

Senator Seabaugh of the 28th asked unanimous consent that Senator Pearson of the 51st be excused. The consent was granted, and Senator Pearson was excused.

Senator Seay of the 34th asked unanimous consent that Senator Reed of the 35th be excused. The consent was granted, and Senator Reed was excused.

Senator Rogers of the 21st asked unanimous consent that Senator Stephens of the 27th be excused. The consent was granted, and Senator Stephens was excused.

Senator Hooks of the 14th asked unanimous consent that Senator Butler of the 55th be excused. The consent was granted, and Senator Butler was excused.

Senator Smith of the 52nd asked unanimous consent that Senator Weber of the 40th be excused. The consent was granted, and Senator Weber was excused.

Senator Smith of the 52nd asked unanimous consent that Senator Balfour of the 9th be excused. The consent was granted, and Senator Balfour was excused.

Senator Cagle of the 49th asked unanimous consent that Senator Shafer of the 48th be excused. The consent was granted, and Senator Shafer was excused.

Senator Cagle of the 49th asked unanimous consent that Senator Grant of the 25th be excused. The consent was granted, and Senator Grant was excused.

Senator Cagle of the 49th asked unanimous consent that Senator Tolleson of the 20th be excused. The consent was granted, and Senator Tolleson was excused.

Senator Hooks of the 14th asked unanimous consent that Senator Harbison of the 15th be excused. The consent was granted, and Senator Harbison was excused.

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

Adelman	Hill,Judson	Seay
Brown	Hooks	Smith
Bulloch	Hudgens	Starr
Cagle	Johnson	Staton
Carter	Jones	Stoner
Chance	Kemp	Tarver
Chapman	Me V Bremen	Thomas,D
Douglas	Miles	Thomas,R
Goggans	Moody	Thompson,C
Golden	Mullis	Thompson,S
Hamrick	Powell	Unterman
Harp	Rogers	Whitehead
Heath	Seabaugh	Wiles
Hill,Jack		

Not answering were Senators:

Balfour (Excused)	Butler (Excused)	Fort
Grant (Excused)	Harbison (Excused)	Henson
Pearson (Excused)	Reed (Excused)	Schaefer
Shafer, D (Excused)	Stephens (Excused)	Tate
Tolleson (Excused)	Weber (Excused)	Williams
Zamarripa		

The following members were off the floor of the Senate when the roll was called and wish to be recorded as present:

Senators:           Fort                                   Tate                                   Williams

The members pledged allegiance to the flag.

Senator Golden of the 8th introduced the chaplain of the day, Reverend Craig Rikard of Valdosta, Georgia, who offered scripture reading and prayer.

The following resolutions were read and adopted:

SR 815. By Senator Williams of the 19th:

A RESOLUTION commending Mr. H.F. Johnson, 2006 Appling Citizen of the year.

SR 816. By Senators Tolleson of the 20th, Bulloch of the 11th, Hudgens of the 47th and Harp of the 29th:

A RESOLUTION recognizing February 15, 2006, as "Forestry Day at the Capitol"; and for other purposes.

SR 819. By Senator Golden of the 8th:

A RESOLUTION commending the Lowndes High School Viking football team on winning the 2005 AAAAA State Championship; and for other purposes.

SR 820. By Senator Golden of the 8th:

A RESOLUTION commending the Lowndes High School Georgia Bridgemen Band; and for other purposes.

SR 821. By Senators Johnson of the 1st, Williams of the 19th, Brown of the 26th, Seabaugh of the 28th, Moody of the 56th and others:

A RESOLUTION mourning the passing of Frank Eldridge, Jr., and honoring his life and memory; and for other purposes.

SR 822. By Senators Johnson of the 1st, Williams of the 19th, Brown of the 26th, Seabaugh of the 28th, Moody of the 56th and others:

A RESOLUTION expressing regret at the passing of former State Senator Rene Kemp; and for other purposes.

SR 824. By Senator Weber of the 40th:

A RESOLUTION commending school counselors and recognizing National School Counseling Week; and for other purposes.

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

### SENATE LOCAL CONSENT CALENDAR

Thursday, February 9, 2006  
Sixteenth Legislative Day

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

HB 784                   Rogers of the 21st  
Stephens of the 27th  
**CHEROKEE COUNTY**

A BILL to be entitled an Act to amend an Act known as the "Cherokee County Water and Sewerage Authority Act," approved March 7, 1955 (Ga. L. 1955, p. 2943), as amended, so as to change the provisions relating to compensation of the chairperson and members; to repeal conflicting laws; and for other purposes.

HB 1210                 Kemp of the 46th  
**CLARKE COUNTY**

A BILL to be entitled an Act to amend an Act entitled "An Act to provide for members of the board of the hospital authority of Clarke County," approved April 6, 1982 (Ga. L. 1982, p. 3705), so as to provide for staggered six-year terms for the members of such authority board; to provide for current membership; to provide for nominations for appointments; 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:

Adelman	Y Hill,Jack	Y Smith
E Balfour	Y Hill,Judson	Y Starr
Y Brown	Y Hooks	Y Staton
Y Bulloch	Y Hudgens	E Stephens
E Butler	Johnson	Y Stoner
Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate

Y Chance	Y Me V Bremen	Thomas,D
Y Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Mullis	Y Thompson,S
Y Goggans	E Pearson	E Tolleson
Golden	Y Powell	Y Unterman
Y Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Schaefer	Y Wiles
Y Harp	Y Seabaugh	Williams
Y Heath	Y Seay	Zamarripa
Henson	E Shafer,D	

On the passage of the local legislation, the yeas were 38, nays 0.

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

SENATE RULES CALENDAR  
THURSDAY, FEBRUARY 9, 2006  
SIXTEENTH LEGISLATIVE DAY

SB 465	General Provisions, O.C.G.A.; correct errors/omissions; reenact the statutory portion; provide necessary revisions/modernizations (S JUDY-12th)
SB 466	General Provisions, O.C.G.A; correct errors/omissions in Title 47 (S JUDY-12th)
SB 467	General Provisions, O.C.G.A; correct errors/omissions in Title 21 (S JUDY-12th)
HR 1041	J.T. Williams Honorary Bridge; designate (TRANS-44th) Davis-109th
HB 713	Ronald Reagan Day in Georgia; designate February 6 annually (RULES-17th) Franklin-43rd
SB 450	Ad Valorem Taxation of Property; revise pay structure of certain county officers/officials; provide recalculation of min. salaries (Substitute)(Amendment)(SLGO(G)-46th)

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 465. By Senators Adelman of the 42nd, Smith of the 52nd and Meyer von Bremen of the 12th:

A BILL to be entitled an Act to amend the O.C.G.A., so as to correct typographical, stylistic, capitalization, punctuation, and other errors and omissions in the O.C.G.A. and in Acts of the General Assembly amending the O.C.G.A.; to reenact the statutory portion of the O.C.G.A., as amended; to provide for necessary or appropriate revisions and modernizations of matters contained in the O.C.G.A.; to repeal portions of the Code and Acts related thereto which have become obsolete; to delete portions of the Code and Acts related thereto which have been superseded by subsequent state laws; to provide for and to correct citations in the O.C.G.A. and other codes and laws of the state; to rearrange, renumber, and redesignate provisions of the O.C.G.A.; to provide for other matters relating to the O.C.G.A.; to provide effective dates; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

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

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

E Harbison  
Y Harp  
Y Heath  
Henson

Y Schaefer  
Y Seabaugh  
Y Seay  
E Shafer,D

Y Wiles  
Y Williams  
Zamarripa

On the passage of the bill, the yeas were 44, nays 0.

SB 465, having received the requisite constitutional majority, was passed.

Senator Reed of the 35th asked unanimous consent that Senator Zamarripa of the 36th be excused. The consent was granted, and Senator Zamarripa was excused.

SB 466. By Senators Adelman of the 42nd, Smith of the 52nd and Meyer von Bremen of the 12th:

A BILL to be entitled an Act 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; to correct capitalization and spelling in Title 47 of the Official Code of Georgia Annotated; to provide for other matters relative to Title 47 of the Official Code of Georgia Annotated; to provide an effective date; to repeal conflicting laws; and for other purposes.

The following Fiscal Note, as required by law, was read by the Secretary:



## Department of Audits and Accounts

270 Washington Street, S.W., Suite 1-156  
Atlanta, Georgia 30334-8400

Russell W. Hinton  
State Auditor  
(404) 656-2174

January 24, 2006

The Honorable David Adelman  
State Senator  
Paul D. Coverdell Office Building, Room 303-A  
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification  
Senate Bill 466 (LC 25 4194)

Dear Senator Adelman:

This bill would correct typographical, stylistic, spelling, capitalization, and other errors and omissions in Title 47 of the Official Code of Georgia Annotated. This bill would make such corrections in the chapters affecting the Employees' Retirement System, the Teachers Retirement System, and the Legislative Retirement System.

This is to certify that this is a nonfiscal retirement bill as defined in the Public Retirement Systems Standards Law.

Respectfully,

/s/ Russell W. Hinton  
State Auditor

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:

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

On the passage of the bill, the yeas were 46, nays 0.

SB 466, having received the requisite constitutional majority, was passed.

Senator Golden of the 8th asked unanimous consent that Senator Adelman of the 42nd be excused. The consent was granted, and Senator Adelman was excused.

SB 467. By Senators Adelman of the 42nd, Smith of the 52nd and Meyer von Bremen of the 12th:

A BILL to be entitled an Act 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; to correct capitalization and spelling in Title 21 of the Official Code of Georgia Annotated; to provide for necessary or appropriate revisions and modernizations of matters contained in Title 21 of the Official Code of Georgia Annotated; to provide for other matters relating to Title 21 of the Official Code of Georgia Annotated; to provide an effective date; to repeal conflicting laws; and for other purposes.

The report of the committee, which was favorable to the passage of the bill, was agreed to.

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

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

Y Harp  
Y Heath  
Henson

Y Seabaugh  
Y Seay  
E Shafer,D

Y Williams  
E Zamarripa

On the passage of the bill, the yeas were 46, nays 0.

SB 467, having received the requisite constitutional majority, was passed.

The President announced the next order of business was the election of the Secretary of the Senate.

Senator Johnson of the 1st nominated the Honorable Robert F. Ewing as Secretary of the Senate.

Senator Johnson of the 1st addressed the Senate as follows:

It is a bittersweet task to stand before you to make this nomination today, but just as former Secretary Eldridge pushed this body to move forward we must continue with the business of the Senate and move forward together.

With that said, it is my pleasure to nominate a true civil servant and a true servant to the people of Georgia. Originally hailing from New England, Bob has been a DeKalb County resident for over 27 years. Of those 27 years he has worked every single one here for the Georgia State Senate. That makes him second in seniority only to the Dean of the Senate, the Senator from the 44th. A true American success story, he began as an intern for the Secretary of the Senate's Office and through hard work and dedication has earned the honor to serve this body as our Secretary of the Senate.

Bob has served the Senate under Governors Busbee, Harris, Miller, Barnes and Perdue, worked side by side with Lt. Governors Miller, Howard and Taylor, and was mentored by former Secretaries of the Senate Hamilton McWhorter, Jr., and the late Frank Eldridge, Jr.

During Bob's years in the Senate his mark has been firmly imprinted on many of the things we take for granted. He is responsible for transitioning the Senate from a Mainframe computer to PC based processing, for creating template generated "bill backs", for modernizing the production of the Senate Journal on computer, for developing the layout and design of our Senate voting system, and for initiating the archiving of all Senate legislation and votes on the Internet. Along with many other innovations, Bob has helped make the General Assembly become one of the most efficient branches of our state government.

As Assistant Secretary, Bob helped make all of our lives a bit easier - advising on parliamentary questions and overseeing the flow of legislation between the houses. His knowledge and commitment to the Senate's rules and traditions are unparalleled and his dedication to the Senate is unmatched.

Bob is an avid outdoorsman and dedicated father. He loves camping, hiking, fishing and gardening, but above all, his greatest loves are his two children, daughter Jess and son Ben.

It is my pleasure to place in nomination as Secretary of the Senate, Robert F. Ewing of DeKalb County.

Senator Starr of the 44th seconded the nomination.

Senator Williams of the 19th asked unanimous consent that the nominations be closed and that the Assistant to the Secretary be instructed to cast the vote of the entire body for the Honorable Robert F. Ewing.

The consent was granted, and the Honorable Robert F. Ewing was declared duly elected Secretary of the Senate.

The President administered the following oath of office to Robert. F. Ewing, Secretary of the Senate:

"I do hereby solemnly swear or affirm that I will discharge my duties faithfully and to the best of my skill and knowledge. So help me God."

Robert F. Ewing addressed the Senate extemporaneously.

The Calendar was resumed.

HR 1041. By Representatives Davis of the 109th, Lunsford of the 110th, Watson of the 91st, Mosby of the 90th, Yates of the 73rd and others:

A RESOLUTION honoring the accomplishments of J. T. Williams and dedicating the J. T. Williams Honorary Bridge; and for other purposes.

Senate Sponsor: Senator Starr of the 44th.

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:

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

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

HR 1041, having received the requisite constitutional majority, was adopted.

Senator Carter of the 13th asked unanimous consent that Senator Hooks of the 14th be excused. The consent was granted, and Senator Hooks was excused.

Senator Chance of the 16th asked unanimous consent that Senator Whitehead of the 24th be excused. The consent was granted, and Senator Whitehead was excused.

HB 713. By Representatives Franklin of the 43rd, Richardson of the 19th, Keen of the 179th, Burkhalter of the 50th, Ehrhart of the 36th and others:

A BILL to be entitled an Act to amend Chapter 4 of Title 1 of the Official Code of Georgia Annotated, relating to holidays and observations, so as to declare Ronald Reagan Day in Georgia; to make certain legislative observations; to repeal conflicting laws; and for other purposes.

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

On the passage of the bill, the yeas were 42, nays 0.

HB 713, having received the requisite constitutional majority, was passed.

Senator Bulloch of the 11th recognized representatives from the Georgia Farm Bureau, commended by SR 813, adopted previously.

The Calendar was resumed.

SB 450. By Senators Kemp of the 46th, Wiles of the 37th, Seabaugh of the 28th, Mullis of the 53rd, Whitehead, Sr. of the 24th and others:

A BILL to be entitled an Act to amend Title 15 of the Official Code of Georgia Annotated, relating to courts; Chapter 2 of Title 21 of the O.C.G.A., relating to primaries and elections generally; Chapter 5 of Title 36 of the O.C.G.A., relating to organization of county government; and Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to revise the pay structure for certain county officers and

officials; to revise the minimum salary schedules of pay for sheriffs, tax commissioners, clerks of superior court, and judges of probate court; to provide for longevity pay increases for certain members of county governing authorities; to provide for legislative intent; to provide for related matters; to repeal conflicting laws; and for other purposes.

The Senate State and Local Governmental Operations Committee offered the following substitute to SB 450:

A BILL TO BE ENTITLED  
AN ACT

To amend Title 15 of the Official Code of Georgia Annotated, relating to courts; Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally; Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to organization of county government; and Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, so as to revise the pay structure for certain county officers and officials; to revise the minimum salary schedules of pay for sheriffs, tax commissioners, clerks of superior court, and judges of probate court; to provide for longevity pay increases for certain members of county governing authorities; to provide for the recalculation of minimum salaries in any year in which the Department of Community Affairs publishes a census estimate for the county that is higher than the preceding decennial census; to provide for legislative intent; 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 15 of the Official Code of Georgia Annotated, relating to courts, is amended by striking Code Section 15-6-88, relating to minimum annual salary schedule for clerks of superior court, and inserting in lieu thereof a new Code Section 15-6-88 to read as follows:

"15-6-88.

(a) Any other provision of law to the contrary notwithstanding, the minimum annual salary of each clerk of the superior court in each county of this state shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of ~~1990~~ 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county that is higher than the immediately preceding decennial census. Except as otherwise provided in subsection (b) of this Code section, each such clerk shall receive

an annual salary, payable in equal monthly installments from the funds of the county, of not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 - 5,999	\$ <del>26,433.73</del> <u>29,832.20</u>
6,000 - 11,889	<del>36,300.86</del> <u>40,967.92</u>
11,890 - 19,999	<del>41,121.55</del> <u>46,408.38</u>
20,000 - 28,999	<del>44,057.42</del> <u>49,721.70</u>
29,000 - 38,999	<del>46,993.29</del> <u>53,035.03</u>
39,000 - 49,999	<del>49,932.80</del> <u>56,352.46</u>
50,000 - 74,999	<del>52,871.09</del> <u>63,164.60</u>
75,000 - 99,999	<del>54,338.42</del> <u>67,800.09</u>
100,000 - 149,999	<del>55,806.96</del> <u>72,434.13</u>
150,000 - 199,999	<del>57,275.49</del> <u>77,344.56</u>
200,000 - 249,999	<del>58,744.04</del> <u>84,458.82</u>
250,000 - 299,999	<del>81,238.19</del> <u>91,682.66</u>
300,000 - 399,999	<del>89,678.05</del> <u>101,207.60</u>
400,000 - 499,999	<del>93,319.06</del> <u>105,316.72</u>
500,000 or more	<del>96,960.07</del> <u>109,425.84</u>

(b) On and after July 1, ~~2004~~ 2006, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (a) of Code Section 15-6-90, where applicable shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and

Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, in subsection (b) of Code Section 15-10-105, or the amounts derived through the application of longevity increases, as authorized by this subsection shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in subsection (a) of this Code section, in Code Section 15-6-89, and in subsection (b) of Code Section 15-10-105, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (a) of Code Section 15-6-90, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

(c) This Code section shall not be construed to reduce the salary of any clerk of the superior court in office on July 1, 1991; provided, however, that successors to such clerks in office on July 1, 1991, shall be governed by the provisions of subsections (a) and (b) of this Code section.

(d) The county governing authority may supplement the minimum annual salary of the clerk of the superior court in such amount as it may fix from time to time; but no clerk's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the clerk's salary in the manner authorized by this subsection is ratified and confirmed. Nothing contained in this subsection shall prohibit the General Assembly by local law from supplementing the annual salary of the clerk."

### **SECTION 2.**

Said title is further amended by striking Code Section 15-6-89, relating to additional remuneration for certain services for clerks of superior court, and inserting in lieu thereof a new Code Section 15-6-89 to read as follows:

"15-6-89.

In addition to the minimum salary provided in Code Section 15-6-88 or any other salary provided by any applicable general or local law, each clerk of the superior court of any county who also serves as clerk of a state court, city court, juvenile court, or civil court under any applicable general or local law of this state or who performs duties pursuant to paragraph (1) of subsection (a) of Code Section 15-12-1 shall receive for his or her services in such other court a salary of not less than ~~\$286.73~~ 323.59 per month, to be paid from the funds of the county. In the event any such court for which a clerk of the superior court is serving as clerk is abolished, the clerk of the superior court shall not be entitled to any salary heretofore received for service in such court."

### **SECTION 3.**

Said title is further amended by striking Code Section 15-9-63, relating to schedule of

minimum salaries of judges of the probate court, and inserting in lieu thereof a new Code Section 15-9-63 to read as follows:

"15-9-63.

(a)(1) Any other laws to the contrary notwithstanding, the minimum annual salary of each judge of the probate court in this state shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of ~~1990~~ 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county that is higher than the immediately preceding decennial census. Each such judge of the probate court shall receive an annual salary, payable in equal monthly installments from the funds of his or her county, of not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 - 5,999	\$ <del>24,893.57</del> <u>29,832.20</u>
6,000 - 11,889	<del>32,869.82</del> <u>40,967.92</u>
11,890 - 19,999	<del>36,512.04</del> <u>46,408.38</u>
20,000 - 28,999	<del>40,336.31</del> <u>49,721.70</u>
29,000 - 38,999	<del>44,625.42</del> <u>53,035.03</u>
39,000 - 49,999	<del>47,069.75</del> <u>56,352.46</u>
50,000 - 74,999	<del>50,654.92</del> <u>63,164.60</u>
75,000 - 99,999	<del>55,796.04</del> <u>67,800.09</u>
100,000 - 149,999	<del>60,938.35</del> <u>72,434.13</u>
150,000 - 199,999	<del>67,887.82</del> <u>77,344.56</u>
200,000 - 249,999	<del>74,837.29</del> <u>84,458.82</u>
250,000 - 299,999	<del>78,202.80</del> <u>91,682.66</u>
300,000 - 399,999	<del>81,569.52</del> <u>101,207.60</u>
400,000 - 499,999	<del>82,210.53</del> <u>105,316.72</u>
500,000 or more	<del>88,851.53</del> <u>109,425.84</u>

(2) On and after July 1, ~~2001~~ 2006, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in Code Section 15-

9-64, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to Code Section 15-9-65, where applicable, shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-9-64, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if the cost-of-living increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in Code Section 15-9-64, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to Code Section 15-9-65, where applicable, as authorized by this paragraph shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

(3) The county governing authority may supplement the minimum annual salary of the judge of the probate court in such amount as it may fix from time to time; but no probate judge's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the probate judge's salary in the manner authorized by this paragraph is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General Assembly by local law from supplementing the annual salary of the probate judge.

(b) In any county in which more than 70 percent of the population of the county according to the United States decennial census of 1990 or any future such census resides on property of the United States government which is exempt from taxation by this state, the population of the county for purposes of subsection (a) of this Code section shall be deemed to be the total population of the county minus the population of the county which resides on property of the United States government."

#### **SECTION 4.**

Said title is further amended by striking subsections (a) and (b) of Code Section 15-9-63.1, relating to compensation of probate judges for services as magistrate or chief magistrate, and inserting in lieu thereof new subsections (a) and (b) to read as follows:

"(a) Beginning January 1, 2002, in any county in which the probate judge serves as

chief magistrate or magistrate, he or she shall be compensated for such services based on a minimum annual amount of ~~\$10,316.20~~ 11,642.54; provided, however, that compensation for a probate judge shall not be reduced during his or her term of office.

(b) On and after July 1, ~~2001~~ 2006, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amount provided in subsection (a) of this Code section shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amount provided in subsection (a) of this Code section shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amount provided in subsection (a) of this Code section, as authorized by this subsection, shall become effective on the first day of January following the date that the cost-of-living increases or general performance based increases received by state employees become effective; provided, however, that if such increases received by state employees become effective on January 1, such periodic changes in the amount provided in subsection (a) of this Code section, as authorized by this subsection, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective."

#### **SECTION 5.**

Said title is further amended by striking Code Section 15-9-64, relating to supplementation of minimum salaries of probate judges, and inserting in lieu thereof a new Code Section 15-9-64 to read as follows:

"15-9-64.

The amount of minimum salary provided in Code Section 15-9-63 for the judges of the probate courts of any county presently on a salary who also hold and conduct elections or are responsible for conducting elections for members of the General Assembly under any applicable general or local law of this state shall be increased by ~~\$286.73~~ 323.59 per month. The amount of the minimum salary provided in Code Section 15-9-63 for the judges of the probate courts on a salary who are responsible for traffic cases under any general or local law of this state shall also be increased by ~~\$358.34~~ 404.41 per month."

#### **SECTION 6.**

Said title is further amended by striking subsection (a) of Code Section 15-16-20, relating to minimum annual salaries for sheriffs, and inserting in lieu thereof a new subsection (a) to read as follows:

"(a)(1) Any other law to the contrary notwithstanding, the minimum annual salary of

each sheriff in this state shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of ~~1990~~ 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county that is higher than the immediately preceding decennial census. Except as otherwise provided in paragraph (2) of this subsection, each such sheriff shall receive an annual salary, payable in equal monthly installments from the funds of the sheriff's county, of not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 - 5,999	\$ <del>37,256.02</del> <u>42,045.88</u>
6,000 - 11,889	<del>41,573.04</del> <u>46,917.92</u>
11,890 - 19,999	<del>47,742.11</del> <u>53,880.12</u>
20,000 - 28,999	<del>52,570.10</del> <u>59,328.83</u>
29,000 - 38,999	<del>57,396.87</del> <u>64,776.16</u>
39,000 - 49,999	<del>62,227.28</del> <u>70,227.59</u>
50,000 - 74,999	<del>67,054.03</del> <u>75,674.90</u>
75,000 - 99,999	<del>69,333.30</del> <u>78,247.21</u>
100,000 - 149,999	<del>71,612.57</del> <u>80,819.51</u>
150,000 - 199,999	<del>74,161.29</del> <u>83,695.91</u>
200,000 - 249,999	<del>76,710.00</del> <u>86,572.30</u>
250,000 - 299,999	<del>83,964.09</del> <u>94,759.02</u>
300,000 - 399,999	<del>93,766.90</del> <u>105,822.14</u>
400,000 - 499,999	<del>97,407.90</del> <u>109,931.24</u>
500,000 or more	<del>101,048.91</del> <u>114,040.36</u>

(2) On and after July 1, ~~2001~~ 2006, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection and in Code Section 15-16-20.1, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (b) of this Code section, where applicable, shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general

performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases received by state employees become effective; provided, however, that if the cost-of-living increases or general performance based increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, and in Code Section 15-16-20.1, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

(3) The county governing authority may supplement the minimum annual salary of the sheriff in such amount as it may fix from time to time; but no sheriff's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the sheriff's salary in the manner authorized by this paragraph is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General Assembly by local law from supplementing the annual salary of the sheriff."

#### **SECTION 7.**

Said title is further amended by striking Code Section 15-16-20.1, relating to additional salary for sheriffs, and inserting in lieu thereof a new Code Section 15-16-20.1 to read as follows:

"15-16-20.1.

In addition to the minimum salary provided in Code Section 15-16-20, the sheriff of any county who performs the duties of a sheriff for a state court, probate court, magistrate court, juvenile court, or county recorder's court under any applicable general or local law of this state shall receive for his or her services in such court or courts a salary of not less than ~~\$286.73~~ 323.59 per month, to be paid from the funds of the county. A sheriff who serves in more than one such court shall receive only one such salary."

#### **SECTION 8.**

Chapter 2 of Title 21 of the Official Code of Georgia Annotated, relating to primaries and elections generally, is amended by striking subsection (c) of Code Section 21-2-213, relating to county deputy registrars, clerical help, and appointment of county officer or

employee as chief deputy registrar, and inserting in lieu thereof a new subsection (c) to read as follows:

"(c) In every county wherein the registrars do not maintain an office which is open and staffed during regular business hours, the registrars shall designate and appoint as chief deputy registrar a full-time county officer or employee for the purpose of registering eligible electors and performing other duties as may be required by the board of registrars. The governing authority of the county shall provide for the compensation of the chief deputy registrar in an amount not less than ~~\$259.88~~ 293.29 per month. The name, business address, telephone number, and any other pertinent information relative to the chief deputy registrar shall be forwarded by the registrars to the Secretary of State's office, where such information shall be maintained on file."

#### **SECTION 9.**

Chapter 5 of Title 36 of the Official Code of Georgia Annotated, relating to organization of county government, is amended by adding a new Code Section 36-5-29 to read as follows:

"36-5-29.

Compensation to which a member of a county governing authority is entitled under general or local law, including amounts provided for in Code Sections 36-5-27 and 36-5-28 shall be increased by multiplying said amounts by the percentage which equals 5 percent times the number of completed, four-year terms of office served by such member of a county governing authority where such terms have been completed after December 31, 2004, effective the first day of January following the completion of each such period of service."

#### **SECTION 10.**

Chapter 5 of Title 48 of the Official Code of Georgia Annotated, relating to ad valorem taxation of property, is amended by striking subsection (g) of Code Section 48-5-137, relating to tax collectors and tax commissioners as ex officio sheriffs, and inserting in lieu thereof a new subsection (g) to read as follows:

"(g) Each tax collector or tax commissioner who is compensated on a salary basis and who is authorized to act as an ex officio sheriff under this Code section and whose office performs substantially all of the duties of the sheriff with respect to tax executions shall be entitled to a salary of ~~\$309.93~~ 349.78 per month for his or her service as ex officio sheriff. Such compensation shall be in addition to any other compensation to which such tax commissioner or tax collector is entitled. Such additional compensation shall not be paid to any tax commissioner who is compensated solely by the fee system of compensation; but such compensation shall be paid to any tax commissioner who is compensated in part by fees and in part by a salary. Such compensation shall be paid in equal monthly installments from county funds."

#### **SECTION 11.**

Said chapter is further amended by striking subsection (b) of Code Section 48-5-183,

relating to salaries of tax collectors and tax commissioners, and inserting in lieu thereof a new subsection (b) to read as follows:

"(b)(1) Any other law to the contrary notwithstanding, except for the provisions of paragraph (2) of this subsection, the minimum annual salary of each tax collector and tax commissioner who is compensated by an annual salary shall be fixed according to the population of the county in which he or she serves, as determined by the United States decennial census of ~~1990~~ 2000 or any future such census; provided, however, that such annual salary shall be recalculated in any year following a census year in which the Department of Community Affairs publishes a census estimate for the county that is higher than the immediately preceding decennial census. Each such officer shall receive an annual salary, payable in equal monthly installments from the funds of his or her county, of not less than the amount fixed in the following schedule:

<u>Population</u>	<u>Minimum Salary</u>
0 - 5,999	\$ <del>26,336.77</del> <u>29,832.20</u>
6,000 - 11,889	<del>32,909.17</del> <u>40,967.92</u>
11,890 - 19,999	<del>37,100.42</del> <u>46,408.38</u>
20,000 - 28,999	<del>39,509.07</del> <u>49,721.70</u>
29,000 - 38,999	<del>42,795.28</del> <u>53,035.03</u>
39,000 - 49,999	<del>47,723.93</del> <u>56,352.46</u>
50,000 - 74,999	<del>55,968.90</del> <u>63,164.60</u>
75,000 - 99,999	<del>60,076.32</del> <u>67,800.09</u>
100,000 - 149,999	<del>64,182.45</del> <u>72,434.13</u>
150,000 - 199,999	<del>68,533.49</del> <u>77,344.56</u>
200,000 - 249,999	<del>72,884.53</del> <u>84,458.82</u>
250,000 - 299,999	<del>78,602.96</del> <u>91,682.66</u>
300,000 - 399,999	<del>84,321.40</del> <u>101,207.60</u>
400,000 - 499,999	<del>88,250.70</del> <u>105,316.72</u>
500,000 or more	<del>92,179.99</del> <u>109,425.84</u>

(2) On and after July 1, ~~2001~~ 2006, whenever the employees in the classified service of the state merit system receive a cost-of-living increase or general performance based increase of a certain percentage or a certain amount, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-

2-213, or the amounts derived by increasing each of said amounts through the application of longevity increases pursuant to subsection (d) of this Code section, where applicable shall be increased by the same percentage or same amount applicable to such state employees. If the cost-of-living increase or general performance based increase received by state employees is in different percentages or different amounts as to certain categories of employees, the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases, shall be increased by a percentage or an amount not to exceed the average percentage or average amount of the general increase in salary granted to the state employees. The Office of Planning and Budget shall calculate the average percentage increase or average amount increase when necessary. The periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases, as authorized by this paragraph shall become effective on the first day of January following the date that the cost-of-living increases received by state employees become effective; provided, however, that if the cost-of-living increases or general performance based increases received by state employees become effective on January 1, such periodic changes in the amounts fixed in the minimum salary schedule in paragraph (1) of this subsection, in subsection (g) of Code Section 48-5-137, and, where applicable, in subsection (c) of Code Section 21-2-213, or the amounts derived through the application of longevity increases as authorized by this paragraph, shall become effective on the same date that the cost-of-living increases or general performance based increases received by state employees become effective.

(3) The county governing authority may supplement the minimum annual salary of the tax commissioner in such amount as it may fix from time to time; but no tax commissioner's compensation supplement shall be decreased during any term of office. Any prior expenditure of county funds to supplement the tax commissioner's salary in the manner authorized by this paragraph is ratified and confirmed. Nothing contained in this paragraph shall prohibit the General Assembly by local law from supplementing the annual salary of the tax commissioner."

## **SECTION 12.**

It is the intent of the General Assembly that, for those county officials whose minimum salaries are increased by operation of law when the General Assembly authorizes a cost-of-living increase or general performance based increase for the employees in the classified service of the state merit system, any such increase authorized by the General Assembly in the Fiscal Year 2007 Appropriations Act shall be in addition to the minimum salaries of such officials that become effective on January 1, 2007, under the provisions of this Act.

**SECTION 13.**

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

Senators Thompson of the 33rd and Stoner of the 6th offered the following amendment:

Amend the committee substitute to SB 450 by adding on page 3 line 22 following the word 'clerk.' a new sentence to read as follows: Each judicial circuit utilizing persons serving as bailiffs shall provide an annual cost of living adjustment based on the calculation known as 'The Consumer Price Index'.

Senator Thompson of the 33rd 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 40, 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 Adelman	Y Hill,Jack	Y Smith
Y Balfour	Y Hill,Judson	Y Starr
Y Brown	E Hooks	Y Staton
Y Bulloch	Y Hudgens	Y Stephens
E Butler	Y Johnson	Y Stoner
Y Cagle	Y Jones	Y Tarver
Y Carter	Y Kemp	Y Tate
Y Chance	Y Me V Bremen	Y Thomas,D
Chapman	Y Miles	Y Thomas,R
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Pearson	Y Tolleson
Y Golden	Y Powell	Y Unterman
Y Grant	Y Reed	E Weber
Y Hamrick	Y Rogers	Y Whitehead
E Harbison	Y Schaefer	Y Wiles
Y Harp	Y Seabaugh	Y Williams
Y Heath	Y Seay	E Zamarripa
Y Henson	Y Shafer,D	

On the passage of the bill, the yeas were 50, nays 0.

SB 450, having received the requisite constitutional majority, was passed by substitute.

Senator Hill of the 32nd recognized the Team Georgia All Star Lacrosse Team, commended by SR 715, adopted previously.

Serving as the doctor of the day was, Dr. Steven Muller.

Senator Williams of the 19th moved that the Senate stand adjourned pursuant to SR 806 until 1:30 p.m. Monday, February 13, 2006; the motion prevailed, and at 10:39 a.m. the President announced the Senate adjourned.