

Senate Chamber, Atlanta, Georgia
Thursday, March 19, 2009
Thirty-third Legislative Day

The Senate met pursuant to adjournment at 10:00 a.m. today and was called to order by Senator Tommie Williams, President Pro Tempore.

Senator Smith of the 52nd 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 720. By Representative Smith of the 129th:

A BILL to be entitled an Act to authorize the City of West Point to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

HB 722. By Representatives Glanton of the 76th, Johnson of the 75th, Baker of the 78th, Heckstall of the 62nd and Sinkfield of the 60th:

A BILL to be entitled an Act to authorize the governing authority of Clayton County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 723. By Representatives Anderson of the 117th, Harbin of the 118th and Sims of the 119th:

A BILL to be entitled an Act to amend an Act to create a board of elections for Columbia County and provide for its powers and duties, approved

March 23, 1993 (Ga. L. 1993, p. 4180), as amended, so as to revise certain term limitations on members of the board; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 724. By Representatives Austin of the 10th and Harden of the 28th:

A BILL to be entitled an Act to reincorporate and provide a new charter for the Town of Alto, Georgia; to provide for the corporate limits of the town, the powers of the town, and the form and method of government of the town; to provide for a town manager; to provide for the administration of town affairs; to provide for the municipal court of the town; to provide for elections for town offices; to provide for taxation by the town; to provide for financial management of the town; to provide for the financial and fiscal affairs of the town; to provide for municipal services and regulatory functions; to provide for general provisions; to provide for related matters; to provide for specific repeal; to repeal conflicting laws; and for other purposes.

HB 725. By Representatives Parrish of the 156th, Jackson of the 142nd and Porter of the 143rd:

A BILL to be entitled an Act to amend an Act relating to the board of commissioners of Johnson County, approved March 27, 1941 (Ga. L. 1941, p. 887), as amended, particularly by an Act approved March 1, 2004 (Ga. L. 2004, p. 3512), so as to provide for reapportionment or redistricting of the districts from and by which members of the board of commissioners are elected; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 726. By Representatives Parrish of the 156th, Jackson of the 142nd and Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing for reapportionment or redistricting of the districts from and by which members of the board of education of Johnson County are elected, approved March 1, 2004 (Ga. L. 2004, p. 3506), so as to again reapportion or redistrict such districts; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 728. By Representative Channell of the 116th:

A BILL to be entitled an Act to amend an Act to create and establish the Greene County Airport Authority, approved March 13, 1978 (Ga. L. 1978,

p. 3223), so as to change the reimbursement of members of the authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The House has agreed to the Senate substitute to the following Bill of the House:

HB 437. By Representative Hudson of the 124th:

A BILL to be entitled an Act to amend an Act providing for the Magistrate Court of Warren County, approved March 19, 1984 (Ga. L. 1984, p. 4362), so as to provide that the judge of the probate court of Warren County shall serve as the chief magistrate of Warren County; to provide for compensation; to provide for the appointment and compensation of a clerk of the magistrate court; to provide for related matters; to repeal conflicting laws; and for other purposes.

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

SB 154. By Senators Harp of the 29th, Hamrick of the 30th and Seabaugh of the 28th:

A BILL to be entitled an Act to amend an Act providing a supplemental salary for the judges of the Superior Court of the Coweta Judicial Circuit, approved December 11, 1953 (Ga. L. 1953, Nov.-Dec. Sess., p. 92), as amended, particularly by an Act approved April 2, 1998 (Ga. L. 1998, p. 4254), so as to change the supplemental salaries for such judges; to provide for the apportionment of such supplement among the counties in the circuit; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House has passed, by substitute, by the requisite constitutional majority the following Bill of the Senate:

SB 80. By Senators Bulloch of the 11th, Crosby of the 13th, Hooks of the 14th, Tolleson of the 20th, Hudgens of the 47th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to adulteration and misbranding of food, so as to change certain provisions relating to prohibited acts; to provide requirements for testing of samples or specimens of foods by food sales establishments for the presence of poisonous or deleterious substances or other contaminants rendering such foods injurious

to health or otherwise unfit for consumption; to provide for rules and regulations; to change certain provisions relating to right of entry in food establishments and transport vehicles and examination of samples obtained; to provide for inspection of records; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

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

SB 271. By Senators Mullis of the 53rd and Thomas of the 54th:

A BILL to be entitled an Act to amend an Act incorporating the City of Ringgold, approved March 15, 1943 (Ga. L. 1943, p. 1508), as amended, particularly by an Act approved March 14, 1984 (Ga. L. 1984, p. 4171), so as to change the corporate limits of the city; to annex additional territory; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

SB 272. By Senator Brown of the 26th:

A BILL to be entitled an Act to amend Code Section 46-2-25 of the Official Code of Georgia Annotated, relating to the procedure for changing any rate, charge, classification, or service, so as to provide that a utility that recovers from its customers the costs of financing associated with the construction of a nuclear generating plant shall provide such customers with certain information regarding certain charges to them relating to the recovery of such costs; to provide for related matters; to provide for a contingent effective date; to repeal conflicting laws; and for other purposes.

Referred to the Regulated Industries and Utilities Committee.

SR 619. By Senators Jackson of the 2nd and Tolleson of the 20th:

A RESOLUTION requesting that the Environmental Protection Division lead efforts to evaluate the appropriate deficit from natural for dissolved oxygen in the Savannah Harbor to allow for protection of aquatic species and the economic viability of the region; and for other purposes.

Referred to the Natural Resources and the Environment Committee.

SR 621. By Senator Rogers of the 21st:

A RESOLUTION requesting the President of the United States, Barack Obama, to select Mr. Thomas J. Harrold, Jr., to serve as the United States

Ambassador to Germany; and for other purposes.

Referred to the Rules Committee.

SR 622. By Senator Rogers of the 21st:

A RESOLUTION creating the Senate Dangerous Dogs Study Committee; and for other purposes.

Referred to the Agriculture and Consumer Affairs Committee.

SR 626. By Senators Douglas of the 17th, Harp of the 29th, Williams of the 19th, Thomas of the 54th, Hudgens of the 47th and others:

A RESOLUTION expressing opposition to requiring private health insurers to pay for the treatment of veterans' service connected injuries and disabilities; and for other purposes.

Referred to the Veterans, Military and Homeland Security Committee.

SR 627. By Senators Douglas of the 17th, Harp of the 29th, Murphy of the 27th, Rogers of the 21st and Staton of the 18th:

A RESOLUTION to create the Senate Study Committee on the Merger of Georgia Technical and Two-year Colleges; and for other purposes.

Referred to the Higher Education Committee.

SR 628. By Senator Hudgens of the 47th:

A RESOLUTION creating the Senate Study Committee on Health Care Provider Rental Network Contract Arrangements; and for other purposes.

Referred to the Insurance and Labor Committee.

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

HB 720. By Representative Smith of the 129th:

A BILL to be entitled an Act to authorize the City of West Point to exercise all redevelopment and other powers under Article IX, Section II, Paragraph VII(b) of the Constitution and Chapter 44 of Title 36 of the O.C.G.A., the "Redevelopment Powers Law," as amended; to provide for a referendum; to

provide effective dates; to provide for automatic repeal under certain circumstances; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 722. By Representatives Glanton of the 76th, Johnson of the 75th, Baker of the 78th, Heckstall of the 62nd and Sinkfield of the 60th:

A BILL to be entitled an Act to authorize the governing authority of Clayton County to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 723. By Representatives Anderson of the 117th, Harbin of the 118th and Sims of the 119th:

A BILL to be entitled an Act to amend an Act to create a board of elections for Columbia County and provide for its powers and duties, approved March 23, 1993 (Ga. L. 1993, p. 4180), as amended, so as to revise certain term limitations on members of the board; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 724. By Representatives Austin of the 10th and Harden of the 28th:

A BILL to be entitled an Act to reincorporate and provide a new charter for the Town of Alto, Georgia; to provide for the corporate limits of the town, the powers of the town, and the form and method of government of the town; to provide for a town manager; to provide for the administration of town affairs; to provide for the municipal court of the town; to provide for elections for town offices; to provide for taxation by the town; to provide for financial management of the town; to provide for the financial and fiscal affairs of the town; to provide for municipal services and regulatory functions; to provide for general provisions; to provide for related matters; to provide for specific repeal; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 725. By Representatives Parrish of the 156th, Jackson of the 142nd and Porter of the 143rd:

A BILL to be entitled an Act to amend an Act relating to the board of

commissioners of Johnson County, approved March 27, 1941 (Ga. L. 1941, p. 887), as amended, particularly by an Act approved March 1, 2004 (Ga. L. 2004, p. 3512), so as to provide for reapportionment or redistricting of the districts from and by which members of the board of commissioners are elected; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 726. By Representatives Parrish of the 156th, Jackson of the 142nd and Porter of the 143rd:

A BILL to be entitled an Act to amend an Act providing for reapportionment or redistricting of the districts from and by which members of the board of education of Johnson County are elected, approved March 1, 2004 (Ga. L. 2004, p. 3506), so as to again reapportion or redistrict such districts; to provide for submission of this Act for preclearance under the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

HB 728. By Representative Channell of the 116th:

A BILL to be entitled an Act to amend an Act to create and establish the Greene County Airport Authority, approved March 13, 1978 (Ga. L. 1978, p. 3223), so as to change the reimbursement of members of the authority; to provide for an effective date; to repeal conflicting laws; and for other purposes.

Referred to the State and Local Governmental Operations Committee.

The following committee reports were read by the Secretary:

Mr. President:

The Banking and Financial Institutions 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 126	Do Pass by substitute
HB 141	Do Pass
HB 312	Do Pass by substitute

following legislation and has instructed me to report the same back to the Senate with the following recommendation:

HB 68 Do Pass by substitute
 HB 302 Do Pass
 HB 473 Do Pass by substitute

Respectfully submitted,
 Senator Shafer of the 48th District, Chairman

Mr. President:

The Retirement 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 172 Do Pass
 HB 452 Do Pass
 HB 477 Do Pass

Respectfully submitted,
 Senator Heath of the 31st 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 98	Do Pass	HB 594	Do Pass
HB 434	Do Pass	HB 596	Do Pass
HB 449	Do Pass	HB 670	Do Pass
HB 496	Do Pass	HB 685	Do Pass
HB 553	Do Pass by substitute	HB 687	Do Pass
HB 564	Do Pass	HB 688	Do Pass
HB 577	Do Pass	HB 689	Do Pass
HB 588	Do Pass	SB 264	Do Pass
HB 589	Do Pass	SB 265	Do Pass
HB 590	Do Pass	SR 522	Do Pass by substitute
HB 592	Do Pass		

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

Mr. President:

The Transportation 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 440 Do Pass

Respectfully submitted,
Senator Mullis of the 53rd District, Chairman

The following legislation was read the second time:

HB 46	HB 116	HB 226	HB 396	HB 482	SR 476
HB 57	HB 121	HB 305	HB 412	HB 550	SR 505
HB 71	HB 170	HB 330	HB 481	HB 607	

Senator Ramsey of the 43rd was excused for business outside the Senate Chamber.

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.

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

Adelman	Harp	Pearson
Brown	Hawkins	Powell
Buckner	Heath	Rogers
Bulloch	Henson	Seabaugh
Butler	Hill,Jack	Seay
Butterworth	Hill,Judson	Shafer
Chance	Hooks	Sims
Chapman	Hudgens	Smith
Cowsert	Jackson,L	Staton
Crosby	Jackson,W	Stoner
Douglas	Johnson	Tarver
Goggans	Jones	Tate
Golden	Moody	Thomas
Grant	Mullis	Thompson,C
Hamrick	Murphy	Unterman
Harbison	Orrock	Wiles

Not answering were Senators:

Balfour
Reed (Excused)
Weber

Fort
Thompson, S.
Williams (Presiding)

Ramsey (Excused)
Tolleson

Senator Fort was off the floor of the Senate when the roll was called and wished to be recorded as present.

The members pledged allegiance to the flag.

Senator Hill of the 32nd introduced the chaplain of the day, Pastor Larry Arnold of Atlanta, Georgia, who offered scripture reading and prayer.

The President assumed the Chair.

Senator Tolleson of the 20th introduced the doctor of the day, Dr. Rebecca Tarlton.

The following resolutions were read and adopted:

SR 620. By Senator Thomas of the 54th:

A RESOLUTION recognizing Advancement Via Individual Determination (AVID) and declaring Wednesday, March 25, 2009, AVID Day at the state capitol; and for other purposes.

SR 623. By Senator Chance of the 16th:

A RESOLUTION recognizing and commending James Douglas Rose; and for other purposes.

SR 624. By Senators Seay of the 34th and Buckner of the 44th:

A RESOLUTION recognizing and commending Mrs. Ruth F. Ash; and for other purposes.

SR 625. By Senator Adelman of the 42nd:

A RESOLUTION recognizing and commending Mr. Stanley S. Jones, Jr., on the occasion of his 60th birthday; and for other purposes.

Senator Hawkins of the 49th introduced Tommy Aaron, commended by SR 597, adopted previously. Tommy Aaron addressed the Senate briefly.

Senator Hill of the 4th recognized the Effingham County High School wrestling team on

winning the 2009 Class AAAA State Championship, commended by SR 590, adopted previously. Head Coach Chris Hardin addressed the Senate briefly.

Senator Johnson of the 1st recognized the life and memory of music icon John Herndon Mercer on the occasion of the centennial year of his birth, commended by SR 66, adopted previously. Dianne S. Thurmond, Chair, Johnny Mercer Centennial, addressed the Senate briefly. Nancy Mercer Gerard, niece of Johnny Mercer, addressed the Senate briefly.

Senator Hudgens of the 47th asked unanimous consent that the following bill be withdrawn from the Senate Finance Committee and committed to the Senate Insurance and Labor Committee:

HB 581. By Representatives Coan of the 101st, May of the 111th, Horne of the 71st, Marin of the 96th, Reese of the 98th and others:

A BILL to be entitled an Act to amend Chapter 8 of Title 34 of the Official Code of Georgia Annotated, relating to employment security, so as to protect the solvency of the Georgia Unemployment Trust Fund by providing incentives to employers to comply with the Employment Security Law; to protect existing jobs and to stimulate job creation; to reduce employer payment requirements for de minimis tax amounts; to establish a credit to employers for hiring unemployment claimants; to provide for the Georgia Works program to assist recipients of unemployment compensation in obtaining new job skill training; to reauthorize certain federal moneys for the administration of Chapter 8 of Title 34; to provide for related matters; to provide for an effective date; to repeal conflicting laws; and for other purposes.

The consent was granted, and HB 581 was committed to the Senate Insurance and Labor Committee.

Senator Mullis of the 53rd asked unanimous consent that the following bill be withdrawn from the Senate Judiciary Committee and committed to the Senate Economic Development Committee:

HB 492. By Representatives Neal of the 1st, Scott of the 2nd, Hill of the 180th, Stephens of the 164th and Hudson of the 124th:

A BILL to be entitled an Act to amend Part 1 of Article 5 of Chapter 3 of Title 44 of the Official Code of Georgia Annotated, relating to general provisions regarding time-share projects and programs, so as to provide definitions; to provide that private residence clubs and private residence club developments are not time-share estates or time-share uses; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The consent was granted, and HB 492 was committed to the Senate Economic Development Committee.

The following Senators were excused for business outside the Senate Chamber:

Douglas of the 17th Weber of the 40th

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, March 19, 2009
Thirty-third Legislative Day

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

SB 264

Grant of the 25th

MAGISTRATE COURT OF JASPER COUNTY

A BILL to be entitled an Act to amend an Act to make provisions for the Magistrate Court of Jasper County, approved March 12, 1984 (Ga. L. 1984, p. 3785), as amended, so as to provide that the clerk of the Superior Court of Jasper County shall serve as the clerk of the magistrate court; to provide for the appointment of a clerk of the magistrate court in the event that the clerk of superior court chooses not serve as such clerk; to provide for the compensation of such clerk; to provide for related matters; to repeal conflicting laws; and for other purposes.

SB 265

Grant of the 25th

CITY OF MILLEDGEVILLE AND BALDWIN COUNTY PUBLIC FACILITIES AUTHORITY

A BILL to be entitled an Act to create the Public Facilities Authority of the City of Milledgeville and Baldwin County; to provide for a short title and legislative findings; to confer powers and impose duties on the authority; to provide for the membership of the authority and their terms of office, qualifications, duties, powers, and compensation; to provide for vacancies; to provide for definitions; to provide for the issuance and sale of revenue bonds and other obligations and their sale, and use of proceeds from such sales; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 98

Cowsert of the 46th
Hudgens of the 47th**ATHENS-CLARKE COUNTY INDUSTRIAL AUTHORITY**

A BILL to be entitled an Act to amend an Act establishing the Unified Government of Athens-Clarke County, Georgia, approved March 2, 1990 (Ga. L. 1990, p. 3560), as amended, particularly by an Act approved April 20, 1992 (Ga. L. 1992, p. 6556), and an Act approved June 3, 2003 (Ga. L. 2003, p. 4250), so as to provide for membership on the Athens-Clarke County Industrial Development Authority; to repeal conflicting laws; and for other purposes.

HB 496

Rogers of the 21st

CITY OF WOODSTOCK

A BILL to be entitled an Act to provide for the creation of one or more community improvement districts in the City of Woodstock; to provide for a short title; to provide for the purposes of such districts; to provide for definitions; to provide for boards to administer said districts; to provide for the appointment and election of members of such boards; to provide for taxes, fees, and assessments; to provide for the boundaries of such districts; to provide for debt of such districts including bonded indebtedness; to provide for cooperation with local governments; to provide for powers of such boards; to provide for construction; to provide that no notice, proceeding, publication, or referendum shall be required; to provide for dissolutions; to provide the procedures connected with all of the foregoing; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 564

Hudgens of the 47th

CITY OF NICHOLSON

A BILL to be entitled an Act to provide a new charter for the City of Nicholson; to provide for incorporation, boundaries, and powers of the city; to provide for a governing authority of such city and the powers, duties, authority, election, terms, vacancies, compensation, expenses, qualifications, prohibitions, conflicts of interest, and suspension and removal from office relative to members of such governing authority; to provide for inquiries and investigations; to provide for oaths, organization, meetings, quorum, voting, rules, and procedures; to provide for ordinances and codes; to provide for an effective date; to repeal conflicting laws; and for other purposes.

HB 577

Johnson of the 1st
BRYAN COUNTY

A BILL to be entitled an Act to amend an Act providing for the election of the members of the Board of Education of Bryan County, approved March 16, 1978 (Ga. L. 1978, p. 3774), as amended, so as to provide for compensation of members of the board; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 588

Goggans of the 7th
CITY OF BROXTON

A BILL to be entitled an Act to amend an Act providing a new charter for the City of Broxton, Georgia, located in the County of Coffee, approved April 6, 1981 (Ga. L. 1981, p. 3597), as amended, so as to revise the method of filling vacancies; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 589

Goggans of the 7th
CITY OF PEARSON

A BILL to be entitled an Act to amend an Act to reincorporate the City of Pearson in the County of Atkinson, approved March 29, 1971 (Ga. L. 1971, p. 2266), as amended, so as to revise the method of filling vacancies; to provide for submission under Section 5 of the federal Voting Rights Act of 1965, as amended; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 590

Goggans of the 7th
CITY OF AMBROSE

A BILL to be entitled an Act to amend an Act to incorporate the City of Ambrose in Coffee County, approved March 4, 1955 (Ga. L. 1955, p. 2662), as amended, so as to revise the method of filling vacancies; to provide for election dates; to provide for terms of office; to provide for an oath of office; to provide for meetings; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 592

Goggans of the 7th
TOWN OF NICHOLLS

A BILL to be entitled an Act to amend an Act to provide and establish a new charter for the Town of Nicholls, in the County of

Coffee, approved August 16, 1920 (Ga. L. 1920, p. 1329), as amended, so as to revise the manner of filling vacancies; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 594

Goggans of the 7th
CITY OF WILLACOOCHEE

A BILL to be entitled an Act to amend an Act creating a new charter for the City of Willacoochee, approved December 22, 1953 (Ga. L. 1953, Nov.-Dec. Sess., p. 3039), as amended, particularly by an Act approved March 25, 1980 (Ga. L. 1980, p. 3941), so as to revise the method of filling vacancies; to provide for related matters; to provide for submission under Section 5 of the federal Voting Rights Act of 1965, as amended; to repeal conflicting laws; and for other purposes.

HB 596

Rogers of the 21st
CITY OF WOODSTOCK

A BILL to be entitled an Act to authorize the governing authority of the City of Woodstock to levy an excise tax pursuant to subsection (b) of Code Section 48-13-51 of the O.C.G.A.; to provide procedures, conditions, and limitations; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 670

Butterworth of the 50th
**CLAYTON-RABUN COUNTY WATER AND SEWER
AUTHORITY**

A BILL to be entitled an Act to amend an Act creating the Clayton-Rabun County Water and Sewer Authority, approved April 17, 1992 (Ga. L. 1992, p. 6403), so as to provide for membership for such authority; to provide for certain residential requirements to qualify for such membership; to provide for terms; to provide for a procedure for selecting a chairman and vice chairman for such authority; to provide that a unanimous vote is required to approve certain issues; to provide for certain preconditions in order to authorize certain projects; to provide for ownership of certain projects; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 685

Harp of the 29th
MANCHESTER PUBLIC UTILITIES AUTHORITY

A BILL to be entitled an Act to create the Manchester Public Utilities Authority and to provide for the appointment of members of the authority; to confer powers upon the authority; to authorize the issuance of revenue bonds of the authority payable from the revenues, tolls, fees, charges and earnings of the authority, contract payments to the authority and from other moneys pledged therefor and to authorize the collection and pledging of the revenues, tolls, fees, charges, earnings and contract payments of the authority for the payment of such revenue bonds; to provide an effective date; to repeal conflicting laws; and for other purposes.

HB 687

Jones of the 10th
Douglas of the 17th
Buckner of the 44th
HENRY COUNTY

A BILL to be entitled an Act to amend an Act providing for the Henry County Board of Elections and Registration, approved May 3, 2006 (Ga. L. 2006, p. 4062), so as to provide for terms for the membership of such board; to provide for the location of such board; to provide for related matters; to repeal conflicting laws; and for other purposes.

HB 688

Jones of the 10th
Douglas of the 17th
Buckner of the 44th
MAGISTRATE COURT OF HENRY COUNTY

A BILL to be entitled an Act to amend an Act entitled "An Act to make provisions for the Magistrate Court of Henry County," approved March 10, 1988 (Ga. L. 1988, p. 3849), as amended, so as to provide for the election and qualification of the chief magistrate of Henry County; to provide for the appointment and qualification of magistrates other than the chief magistrate; to provide for applicability; to repeal conflicting laws; and for other purposes.

HB 689

Jones of the 10th
Douglas of the 17th
Buckner of the 44th
STATE COURT OF HENRY COUNTY

A BILL to be entitled an Act to amend an Act creating the State Court of Henry County, approved March 27, 1998 (Ga. L. 1998, p. 3954), as amended, so as to provide that the solicitor-general of such court and his or her investigators shall have arrest powers and law enforcement authority; to provide for conditions; to repeal conflicting laws; and for other purposes.

Pursuant to Article VII, Section II, Paragraph IV of the Constitution, the following two local bills relating to homestead exemptions requires a two-thirds roll-call vote for passage:

HB 434 Cowsert of the 46th
 Hudgens of the 47th
ATHENS-CLARKE COUNTY

A BILL to be entitled an Act to amend an Act providing for homestead exemptions from certain Unified Government of Athens-Clarke County ad valorem taxes for Unified Government purposes and certain Clarke County school district ad valorem taxes for educational purposes approved April 13, 1992 (Ga. L. 1992, p. 6241), so as to change the definition of homestead for purposes of such exemptions; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; to repeal conflicting laws; and for other purposes.

HB 449 Cowsert of the 46th
 Hudgens of the 47th
CLARKE COUNTY

A BILL to be entitled an Act to amend an Act providing for a homestead exemption from certain Clarke County school district ad valorem taxes for educational purposes in an amount equal to the amount by which the current year assessed value of a homestead exceeds the base year assessed value of such homestead for certain residents of that school district who are 65 years of age or older approved April 25, 2002 (Ga. L. 2002, p. 5009), so as to change the definition of homestead for purposes of such exemption; to provide for applicability; to provide for a referendum, effective dates, and automatic repeal; 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	Y Hawkins	Y Rogers
Y Balfour	Y Heath	Y Seabaugh
Y Brown	Y Henson	Y Seay
Y Buckner	Y Hill,Jack	Y Shafer
Y Bulloch	Y Hill,Judson	Sims
Y Butler	Y Hooks	Y Smith
Y Butterworth	Y Hudgens	Y Staton
Y Chance	Y Jackson,L	Y Stoner
Y Chapman	Y Jackson,W	Y Tarver
Y Cowsert	Y Johnson	Y Tate
Y Crosby	Y Jones	Y Thomas
E Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Murphy	Y Tolleson
Y Golden	Y Orrock	Y Unterman
Y Grant	Y Pearson	E Weber
Y Hamrick	Powell	Y Wiles
Y Harbison	Y Ramsey	Y Williams
Y Harp	E Reed	

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 Hooks of the 14th assumed the Chair.

Senator Seabaugh of the 28th was excused for business outside the Senate Chamber.

SENATE RULES CALENDAR
THURSDAY, MARCH 19, 2009
THIRTY-THIRD LEGISLATIVE DAY

HB 210	Georgia Judicial Retirement System; employer contributions; clarify (RET-27th) Meadows-5th
HB 229	Student Health and Physical Education Act; enact (ED&Y-54th) Coleman-97th
HB 343	Public Safety, Department of; civilian weight inspectors for motor carriers; create (PUB SAF-53rd) Collins-27th

HB 436 State government; Georgia Technology Authority; develop certain plans and reports; authorize (S&T-18th) Parsons-42nd

Respectfully submitted,

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

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

HB 210. By Representatives Meadows of the 5th, Maxwell of the 17th, Benton of the 31st, Buckner of the 130th and Gordon of the 162nd:

A BILL to be entitled an Act to amend Article 3 of Chapter 23 of Title 47 of the Official Code of Georgia Annotated, relating to membership in the Georgia Judicial Retirement System, so as to clarify who shall pay the employer contributions for certain members; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Murphy of the 27th.

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

December 30, 2008

The Honorable Howard Maxwell
State Representative
Coverdell Legislative Office Building, Room 613-D
Atlanta, Georgia 30334

SUBJECT: State Auditor's Certification
House Bill 210 (LC 21 0023)

Dear Representative Maxwell:

This bill would amend provisions relating to membership in the Georgia Judicial Retirement System. Specifically, this bill would clarify that persons who are members as a result of their employment with the Office of Legislative Counsel or the Attorney General's Office shall be subject to the same provisions applicable to solicitors-general of the state court. This legislation also clarifies that the employer contributions paid on behalf of such members shall be paid by the respective employers of the members.

This is to certify that this bill 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:

Y Adelman	Y Hawkins	Y Rogers
Y Balfour	Y Heath	E Seabaugh
Y Brown	Y Henson	Y Seay
Y Buckner	Y Hill,Jack	Y Shafer
Y Bulloch	Y Hill,Judson	Y Sims
Y Butler	Hooks (PRS)	Y Smith
Y Butterworth	Y Hudgens	Y Staton
Y Chance	Y Jackson,L	Y Stoner
Y Chapman	Y Jackson,W	Y Tarver
Cowsert	Y Johnson	Y Tate
Y Crosby	Y Jones	Y Thomas
E Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Murphy	Y Tolleson
Y Golden	Y Orrock	Y Unterman
Y Grant	Y Pearson	E Weber
Y Hamrick	Y Powell	Y Wiles
Y Harbison	Y Ramsey	Y Williams
Y Harp	E Reed	

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

HB 210, having received the requisite constitutional majority, was passed.

Senator Adelman of the 42nd was excused for business outside the Senate Chamber.

HB 229. By Representatives Coleman of the 97th, Dickson of the 6th, Maxwell of the 17th, Kaiser of the 59th, Ashe of the 56th and others:

A BILL to be entitled an Act to amend Part 3 of Article 16 of Chapter 2 of Title 20 of the Official Code of Georgia Annotated, relating to the health of students in elementary and secondary education, so as to enact the "Student Health and Physical Education Act"; to require local school systems to conduct an annual fitness assessment and to comply with state physical education instruction requirements; to provide for reporting of results; to provide for an annual report to the Governor; to provide for a recognition program; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Thomas of the 54th.

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 Hawkins	Rogers
Y Balfour	N Heath	E Seabaugh
Y Brown	Y Henson	Y Seay
Y Buckner	Hill,Jack	Y Shafer
N Bulloch	Y Hill,Judson	Y Sims
Y Butler	Hooks (PRS)	N Smith
N Butterworth	Y Hudgens	Y Staton
N Chance	N Jackson,L	Stoner
N Chapman	Y Jackson,W	Y Tarver
N Cowsert	Y Johnson	Y Tate
N Crosby	Y Jones	Y Thomas
N Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	N Murphy	Y Tolleson
N Golden	Y Orrock	Y Unterman
Y Grant	N Pearson	E Weber
Y Hamrick	Y Powell	N Wiles
Y Harbison	Y Ramsey	Y Williams
Y Harp	E Reed	

On the passage of the bill, the yeas were 34, nays 14.

HB 229, having received the requisite constitutional majority, was passed.

Senator Stoner of the 6th was excused for business outside the Senate Chamber.

HB 343. By Representatives Collins of the 27th, Chambers of the 81st, Martin of the 47th, Hamilton of the 23rd, Day of the 163rd and others:

A BILL to be entitled an Act to amend Chapter 2 of Title 35 of the Official Code of Georgia Annotated, relating to the Department of Public Safety, so as to create civilian weight inspectors for motor carriers; to provide for powers and duties; to provide for restrictions of power; to provide for related matters; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Mullis of the 53rd.

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

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

E Adelman	Y Hawkins	Y Rogers
Y Balfour	Y Heath	Y Seabaugh
Y Brown	Y Henson	Y Seay
Y Buckner	Hill,Jack	Y Shafer
Y Bulloch	Y Hill,Judson	Y Sims
Y Butler	Hooks (PRS)	Y Smith
Y Butterworth	Y Hudgens	Y Staton
Y Chance	Y Jackson,L	E Stoner
Y Chapman	Y Jackson,W	Y Tarver
Y Cowsert	Y Johnson	Y Tate
Y Crosby	Y Jones	Y Thomas
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Murphy	Y Tolleson
Y Golden	Y Orrock	Y Unterman
Y Grant	Y Pearson	E Weber
Y Hamrick	Y Powell	Y Wiles
Y Harbison	Y Ramsey	Y Williams
Y Harp	E Reed	

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

HB 343, having received the requisite constitutional majority, was passed.

HB 436. By Representative Parsons of the 42nd:

A BILL to be entitled an Act to amend Title 50 of the Official Code of Georgia Annotated, relating to state government, so as to change certain powers of the Georgia Technology Authority; to authorize the authority to develop certain plans and reports; to remove the requirement to maintain a three-year technology plan; to provide for a State Information Technology Report and the contents thereof; to provide that the authority may adopt an accrual method of accounting; to provide for certain agency reports; to remove the requirement that the authority, the Office of Planning and Budget, and the state accounting officer jointly develop a technology resources budget; to eliminate certain reports; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

Senate Sponsor: Senator Staton of the 18th.

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 Hawkins	Rogers
Y Balfour	Y Heath	Y Seabaugh
Y Brown	Y Henson	Y Seay
Y Buckner	Hill,Jack	Y Shafer
Y Bulloch	Y Hill,Judson	Y Sims
Y Butler	Hooks (PRS)	Y Smith
Y Butterworth	Y Hudgens	Y Staton
Y Chance	Y Jackson,L	E Stoner
Y Chapman	Y Jackson,W	Y Tarver
Y Cowsert	Y Johnson	Y Tate
Y Crosby	Y Jones	Y Thomas
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Murphy	Y Tolleson
Y Golden	Y Orrock	Y Unterman
Y Grant	Y Pearson	E Weber
Y Hamrick	Y Powell	Y Wiles
Y Harbison	Y Ramsey	Williams
Y Harp	E Reed	

On the passage of the bill, the yeas were 48, nays 0.

HB 436, having received the requisite constitutional majority, was passed.

The following bill was taken up to consider House action thereto:

SB 80. By Senators Bulloch of the 11th, Crosby of the 13th, Hooks of the 14th, Tolleson of the 20th, Hudgens of the 47th and others:

A BILL to be entitled an Act to amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to adulteration and misbranding of food, so as to change certain provisions relating to prohibited acts; to provide requirements for testing of samples or specimens of foods by food sales establishments for the presence of poisonous or deleterious substances or other contaminants rendering such foods injurious to health or otherwise unfit for consumption; to provide for rules and regulations; to change certain provisions relating to right of entry in food establishments and transport vehicles and examination of samples obtained; to provide for inspection of records; to provide for related matters; to provide an effective date; to repeal conflicting laws; and for other purposes.

The House substitute was as follows:

A BILL TO BE ENTITLED
AN ACT

To amend Article 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to adulteration and misbranding of food, so as to change certain provisions relating to prohibited acts; to provide requirements for testing of samples or specimens of foods and ingredients of food processing plants for the presence of poisonous or deleterious substances or other contaminants; to provide for food safety plans; to provide for reports and records; to provide for rules and regulations; to change certain provisions relating to right of entry in food establishments and transport vehicles and examination of samples obtained; to provide for inspections; 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 2 of Chapter 2 of Title 26 of the Official Code of Georgia Annotated, relating to adulteration and misbranding of food, is amended in Code Section 26-2-22, relating to prohibited acts, by adding a new paragraph to read as follows:

"(5.1) The failure to comply with testing, reporting, or record-keeping requirements

provided by or pursuant to Code Section 26-2-27.1;"

SECTION 2.

Said article is further amended by adding a new Code section to read as follows:

"26-2-27.1.

(a) As used in this Code section, the term 'food processing plant' means a commercial operation that manufactures food for human consumption and does not provide food directly to a consumer from that location. Such term shall not include a commercial operation that produces raw agricultural commodities and whose end product remains a raw agricultural product.

(b)(1)(A) In order to protect the public health, safety, and welfare and ensure compliance with this article, the Commissioner shall by rule or regulation establish requirements for regular testing of samples or specimens of foods and ingredients by food processing plants for the presence of poisonous or deleterious substances or other contaminants rendering such foods or ingredients injurious to health. Such rules or regulations shall identify the specific classes or types of food processing plants, foods, ingredients, and poisonous or deleterious substances or other contaminants that shall be subject to such testing requirements and the frequency with which such tests shall be performed by food processing plants.

(B) The Commissioner shall also promulgate rules and regulations establishing minimum standards and requirements for a written food safety plan, such as a hazard analysis critical control point plan, that may be submitted by an operator of a food processing plant to document and describe the procedures used at such plant to prevent the presence of hazards such as poisonous or deleterious substances or other contaminants that would render finished foods or finished ingredients as manufactured at such plant injurious to health, including preventive controls, monitoring to ensure the effectiveness of such controls, and records of corrective actions, including actions taken in response to the presence of known hazards. If an operator of a food processing plant, in its discretion, submits to the department a written food safety plan for such plant and such plan conforms to rules and regulations promulgated for purposes of this subparagraph, then such food processing plant shall comply with the requirements of such written food safety plan, including but not limited to any test regimen provided by such plan, in lieu of complying with a test regimen established by rules or regulations promulgated by the Commissioner pursuant to subparagraph (A) of this paragraph.

(2) In addition to any regular tests required pursuant to paragraph (1) of this subsection, the Commissioner may order any food processing plant to have samples or specimens of its foods and ingredients tested for the presence of any poisonous or deleterious substances or other contaminants whenever in his or her determination there are reasonable grounds to suspect that such foods or ingredients may be injurious to health.

(c) Any food processing plant subject to any testing requirements pursuant to this Code section shall cause such required tests to be performed in accordance with testing

standards and procedures established by rules and regulations of the Commissioner. Testing standards and procedures established by the Commissioner under this paragraph shall be consistent with standards presented in the federal Food and Drug Administration's Bacterial Analytical Manual and standards developed by the Association of Analytical Communities International, International Organization for Standardization, or another internationally recognized certification body.

(d) A food processing plant shall be responsible for the cost of any testing required pursuant to this Code section and may conduct such testing either internally or via a third party, provided that subsection (c) of this Code section applies in either case.

(e) Whenever any person or firm that operates a food processing plant in this state obtains information from testing of samples or specimens of finished foods or finished food ingredients as manufactured at such food processing plant which, based on a confirmed positive test result, indicates the presence of a substance that would cause a manufactured food bearing or containing the same to be adulterated within the meaning of paragraph (1) of Code Section 26-2-26, such person or firm shall report such test result to the department within 24 hours after obtaining such information.

(f) Records of the results of any tests required pursuant to this Code section shall be kept by a food processing plant and made available to the department for inspection for a period of not less than two years from the date the results were reported by the laboratory.

(g) This Code section shall not apply to any food processing plant operating under a federal grant of inspection from the United States Department of Agriculture Food Safety and Inspection Service."

SECTION 3.

Said article is further amended by revising Code Section 26-2-36, relating to right of entry in food establishments and transport vehicles and examination of samples obtained, as follows:

"26-2-36.

(a) The Commissioner or his duly authorized agent shall have free access during all hours of operation and at all other reasonable hours to any factory, warehouse, or establishment in which food is manufactured, processed, packed, or held for introduction into commerce and any vehicle being used to transport or hold such foods to commerce for the purposes:

(1) Of inspecting such factory, warehouse, establishment, or vehicle, any records of pathogen destruction, and any records of testing of samples or specimens of foods or ingredients for the presence of poisonous or deleterious substances or other contaminants and the results thereof as may be required pursuant to Code Section 26-2-27.1, to determine if any of the provisions of this article are being violated; and

(2) Of securing samples or specimens of any food, after paying or offering to pay for such sample.

(b) It shall be the duty of the Commissioner to make or cause to be made examinations of samples secured under subsection (a) of this Code section to determine whether or

not this article is being violated."

SECTION 4.

This Act shall become effective upon its approval by the Governor or upon its becoming law without such approval.

SECTION 5.

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

Senator Bulloch of the 11th moved that the Senate agree to the House substitute to SB 80.

On the motion, a roll call was taken and the vote was as follows:

E Adelman	Y Hawkins	Y Rogers
Balfour	Y Heath	Y Seabaugh
Y Brown	Y Henson	Y Seay
Buckner	Y Hill,Jack	Y Shafer
Y Bulloch	Y Hill,Judson	Y Sims
Y Butler	Hooks (PRS)	Y Smith
Y Butterworth	Y Hudgens	Y Staton
Y Chance	Y Jackson,L	E Stoner
Y Chapman	Y Jackson,W	Y Tarver
Y Cowsert	Y Johnson	Y Tate
Y Crosby	Y Jones	Y Thomas
Y Douglas	Y Moody	Y Thompson,C
Y Fort	Y Mullis	Y Thompson,S
Y Goggans	Y Murphy	Y Tolleson
Y Golden	Y Orrock	Y Unterman
Y Grant	Y Pearson	Y Weber
Y Hamrick	Y Powell	Y Wiles
Y Harbison	Y Ramsey	Y Williams
Y Harp	E Reed	

On the motion, the yeas were 50, nays 0; the motion prevailed, and the Senate agreed to the House substitute to SB 80.

The following communication was received by the Secretary:

Senator Gail Buckner
District 44
313-A Coverdell Legislative Office Building
Atlanta, GA 30334

Committees:

Economic Development
Education and Youth
Government Oversight
Interstate Cooperation
State Institutions and Property
Urban Affairs

The State Senate
Atlanta, Georgia 30334

MEMORANDUM

DATE: 19 March 2009
TO: Bob Ewing
Secretary of the Senate
FROM: Senator Gail Buckner, 44th

On Thursday, March 19, 2009, I was called off the Senate Floor and missed the vote for Senate Bill 80. I wish to be recorded as voting "YES" on Senate Bill 80.

Thank you.

/s/ Gail Buckner, 44th

The following resolution was read and adopted:

SR 629. By Senators Williams of the 19th, Rogers of the 21st, Brown of the 26th and Golden of the 8th:

A RESOLUTION recognizing and expressing gratitude and best wishes to Mildred Slayton; and for other purposes.

Senator Rogers of the 21st moved that the Senate adjourn until 10:00 a.m. Friday, March 20, 2009.

The motion prevailed, and Senator Hooks of the 14th announced the Senate adjourned at 11:57 a.m.