

OFFICE OF COMMITTEE SERVICES

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TOMORROW'S FORECAST

- * The House will reconvene for its 18th Legislative Day on Tuesday, February 16, at 10:00 AM.
- * 5 bills are expected to be debated on the floor.



GEORGIA HOUSE OF REPRESENTATIVES

DAILY REPORT



Thursday, February 11, 2010

17th Legislative Day

TODAY ON THE FLOOR

RULES CALENDAR

HB 947 - Supplemental appropriations; State Fiscal Year July 1, 2009 - June 30, 2010

- BILL SUMMARY: This bill makes certain changes to the General Appropriations Act that was approved on May 11, 2009. It will provide appropriated sums of money for the State Fiscal Year beginning July 1, 2009, and ending June 30, 2010.
- **Authored By:** Rep. David Ralston of the 7th
- **House Committee:** Appropriations
- **Rule:** Modified-Open
- **Yeas:** 122; **Nays:** 44

HB 974 - Peace Officers' Annuity and Benefit Fund; credible service for absence; provisions

- BILL SUMMARY: This bill changes the vesting in Peace Officers Annuity and Benefit fund from 10 years to 15 years and requires individuals taking a Leave of Absence to return to work for the number of months they took the Leave of Absence.
- **Authored By:** Rep. Howard Maxwell of the 17th
- **House Committee:** Retirement
- **Rule:** Open
- **Yeas:** 162; **Nays:** 2

HB 997 - Social Security Coverage Group; State Personnel Administration jurisdiction; provide

- BILL SUMMARY: This legislation updates Chapter 18 of Title 47 relating to Social Security and moves the responsibilities to the State Personnel Administration.
- **Authored By:** Rep. Howard Maxwell of the 17th
- **House Committee:** Retirement
- **Rule:** Open
- **Yeas:** 156; **Nays:** 2

LOCAL CALENDAR

HB 1026 - Ringgold, City of; corporate city limits; extend

- BILL SUMMARY: A Bill to change the corporate limits of the City of Ringgold.
- **Authored By:** Rep. Tom Weldon of the 3rd
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 144; **Nays:** 0

HB 1075 - Fayetteville, City of; Redevelopment Powers Law; authorize

- BILL SUMMARY: A Bill to authorize the City of Fayetteville to exercise all redevelopment powers as permitted under the State Constitution and the Redevelopment Powers Law pending a local referendum to approve the authorization.
- **Authored By:** Rep. Virgil Fludd of the 66th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 144; **Nays:** 0

HB 1080 - Catoosa County; board of utilities commissioners election; provide

- BILL SUMMARY: A Bill to amend the Act creating the board of utilities commissioners in Catoosa County so as to provide a time period for qualifying for election to the board.
- **Authored By:** Rep. Tom Weldon of the 3rd
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 144; **Nays:** 0

HB 1089 - Funston, City of; election and terms of mayor and councilmembers; provide

- BILL SUMMARY: A Bill to provide terms of office for the mayor and councilmembers in the City of Funston.
- **Authored By:** Rep. Jay Powell of the 171st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 144; **Nays:** 0

HB 1122 - Chamblee, City of; corporate city limits; change

- BILL SUMMARY: A Bill to change the corporate limits of the City of Chamblee.
- **Authored By:** Rep. Fran Millar of the 79th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 144; **Nays:** 0

HB 1123 - Wayne County; levy excise tax; authorize

- BILL SUMMARY: A Bill to authorize Wayne County to levy a hotel/motel tax.
- **Authored By:** Rep. Mark Williams of the 178th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** N/A; **Nays:** N/A

** The House will reconvene Tuesday, February 16, at 10:00 AM, for its 18th Legislative Day*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 18th Legislative Day, Tuesday, February 16, and bills may be called at the pleasure of the Speaker.

TOMORROW ON THE FLOOR

HB 122 - Counties and municipalities; budget excess; searchable website; provisions

- BILL SUMMARY: This bill requires counties and municipalities with an annual budget exceeding \$1 million to post on a single searchable website, accessible by the public, their annual budget and annual audit report.
- **Authored By:** Rep. Edward Lindsey of the 54th
- **House Committee:** Governmental Affairs
- **House Committee Passed:** 2/3/2010
- **Rule:** Modified-Open

HB 249 - Public Retirement Systems Investment Authority Law; define certain terms; provisions

- BILL SUMMARY: This bill relates to the Georgia Firefighters Pension Fund, (GFPF,) and provides a definition of "alternative investments" and provides that the Fund may make such investments, as well as private placements and other private investments. Such investments are not to exceed a certain amount. The bill shields the investment from public scrutiny and provides for a code of ethics. the bill amends Code Section 50-18-72 relating to when public disclosure of records is not required and disclosure exempting legal authority, exempting certain public records from inspection.
- **Authored By:** Rep. Charles E. Martin of the 47th
- **House Committee:** Retirement
- **House Committee Passed:** 2/3/2010
- **Rule:** Modified-Structured

HB 703 - County property; granted first right to purchase condemned property; provide

- BILL SUMMARY: House Bill 703 requires that county's contact original owners before selling previously condemned property or their next of kin if the original owner is deceased. This will allow for either the original owner or next of kin to be the first to purchase property that is being disposed of.
- **Authored By:** Rep. Tommy Smith of the 168th
- **House Committee:** State Planning & Community Affairs
- **House Committee Passed:** 2/4/2010
- **Rule:** Open

HB 991 - Sales and use tax; county and municipal; distribution of proceeds; revise

- BILL SUMMARY: Changes provisions applicable to the renegotiations of distribution of joint county and municipal sales tax collections. Currently, should an agreement not be reached by the second year following a decennial census, the distribution certificate expires and the local governing authorities do not receive the tax proceeds until the distribution certificate is renegotiated.

Provides for judicial proceedings should the parties involved not be able to reach an agreement after sixty days of non-binding arbitration or mediation. After sixty days, any party may file a petition in superior court of the county seeking resolution of the dispute. The petition will be assigned to a judge who is not a judge in the circuit in which the county is located. The judge's decision as to the allocation of tax proceeds shall adopt the best and final offer of one of the parties and shall also include findings of fact. The judge enters a final order which contains a new distribution certificate, and appeals will be allowed only for the judge's disregard of the law, for partiality of the judges, or for corruption, fraud, or misconduct by the judge or a party.

- **Authored By:** Rep. Wendell Willard of the 49th
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/4/2010
- **Rule:** Modified-Structured

SB 131 - The Revised Georgia Trust Code of 2009; comprehensively revise provisions relating to trusts

- BILL SUMMARY: - Title 53, Chapters 12 - 15, relating to trusts, charitable trusts, trustees, and trust instruments are repealed and replaced with the language contained in the bill.
- The revisions to the Georgia Trust Code contained in this bill use the National Conference on Commissioners on Uniform State Laws 2005 Uniform Trust Code (UTC) revisions as the basis for the modifications. The UTC has been modified to avoid conflicts with existing and remaining OCGA sections relating to wills, trusts, and estates.
- The bill was drafted in cooperation with the Fiduciary Law Section of the State Bar of Georgia and extensive discussions were held before the final version of the bill was produced.
- Code Section 7-1-242 of OCGA, relating to restrictions on corporate fiduciaries, is amended to add nonprofit corporations to the list of entities that may lawfully act as a fiduciary.
- **Authored By:** Sen. Bill Hamrick of the 30th
- **House Committee:** Judiciary
- **House Committee Passed:** 1/26/2010
- **Rule:** Modified-Structured

** The Rules Committee will next meet on Tuesday, February 16, at 9:00 AM, to set the Rules Calendar for the 19th Legislative Day.*

COMMITTEE ACTION REPORT

Education

HB 925 - Mandatory education; unexcused absence notice sent by United States mail; provide

- BILL SUMMARY: House Bill 925 changes provisions stating that local school systems must provide the unexcused absences of students between ages six to sixteen, from "certified mail" to only being required to be mailed by the United State mail service.
- **Authored By:** Rep. Tommy Benton of the 31st
- **Committee Action:** Do Pass

Education

HB 936 - Student transportation; allowance to refurbish existing school buses; provide

- BILL SUMMARY: House Bill 936 relates to the funds used on refurbishing school buses. In previous Code they were not allowed to use the money for school buses to refurbish them, the money could only be used to buy new ones or replace old ones. This bill will make it possible for the State Board of Education to use these funds to refurbish buses in need of work. All buses that are refurbished will still be subject to all safety and maintenance inspections, the refurbishment must be completed by the original school bus manufacturer or by a dealer of such manufacturer.
- **Authored By:** Rep. Paul Battles of the 15th
- **Committee Action:** Do Pass by Committee Substitute

Education

HB 977 - Quality Basic Education Act; state funds for salary increase; prohibit

- BILL SUMMARY: House Bill 977 relates to employment under the "Quality Basic Education Act" and to prohibit the use of state funds to provide salary increases for local school superintendents or administrators during a school year that the local board of education has furloughed teachers, paraprofessionals, cafeteria workers, bus drivers, custodians, support staff or other non-administrative positions. If the local school board intends to do so they must provide notice of a public hearing for full discussion and public input. However, this does not apply to any step increases on the state salary schedule for superintendents or administrators.
- **Authored By:** Rep. Ed Rynders of the 152nd
- **Committee Action:** Do Pass by Committee Substitute

Education

SB 84 - Local Boards of Education; election; revise provisions

- BILL SUMMARY: Senate Bill 84, School Board Governance Act, creates specific standards and regulations for local school board members. Under this legislation, the State Board of Education will create a code of ethics and a training program for all school board members. A new standardized ethics policy by state school boards will be included in the ethics policy adopted by local boards as a minimum, laws relating to board and superintendent roles and responsibilities will be clarified, and qualifications for candidates will be put into force. If a school board is in danger of losing accreditation, the Governor can suspend school board members and replace them.
- **Authored By:** Sen. Bill Heath of the 31st
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

HB 858 - County law libraries; payment of certain funds into county general fund; provisions

- BILL SUMMARY: This bill increases the county population (from 700,000 to 950,000) below which those counties are allowed to retain certain funds in the county law library fund for the purposes of supporting a law library rather than placing them in the general treasury.
- **Authored By:** Rep. Rich Golick of the 34th
- **Committee Action:** Do Pass

Judiciary

HB 885 - Magistrate courts; "Georgia Civil Practices Act"; provisions

- BILL SUMMARY: HB 885 revises Code Section 15-10-42. The current statute states that proceedings in magistrate court are not subject to the Georgia Civil Practice Act (CPA). The proposed revisions to the statute provide that the Georgia CPA applies to proceedings in magistrate courts as provided in Code Sections 15-10-43 and 15-10-50. In addition, magistrate proceedings may be subject to the CPA if, upon motion and for good cause shown, its application "will achieve substantial justice between the parties according to the rules of substantive law and will serve the interests of justice."

Code Section 15-10-43 is revised by using clarifying language regarding service of process.

- **Authored By:** Rep. Kevin Levitas of the 82nd

- **Committee Action:** Tabled

Judiciary

HR 178 - Enforcement of contracts; restrict competition; provisions - CA

- BILL SUMMARY: Modifies Article III, Section VI, Paragraph V, Subparagraph (c) of the Constitution to allow for contracts which restrict competition after a term of employment or commercial relationship. The amendment gives courts the authority to modify restrictive covenants to effectuate the intent of the parties where the original covenant would be unlawful.

HR 178 is necessary for HB 173, passed by the General Assembly in 2009, to become effective and to sustain Constitutional challenge.

- **Authored By:** Rep. Kevin Levitas of the 82nd

- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 374 - Income tax; withholding tax; seller subject to documentation requirements; provide

- BILL SUMMARY: HB 374 provides that the person or entity that is the seller on the settlement statement for a sale or transfer of real property in Georgia by a nonresident must also be considered the seller for purposes of withholding requirements. Currently, in the case of a sale/transfer of real property located in Georgia by a nonresident of Georgia, the buyer must withhold and remit a withholding tax of 3% of the purchase price or of net proceeds if less. This bill would require that the seller on the settlement statement execute and deliver to the buyer all forms or other documents incident to determining the appropriate amount of tax to be withheld by the buyer or the appropriate amount exempt from withholding requirements.

- **Authored By:** Rep. Rick Crawford of the 16th

- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 903 - County and municipal tax levies; fund domed stadium; revise provisions

- BILL SUMMARY: This bill provides for an extension of Atlanta's hotel motel tax past the current expiration date of December 31 2020, through 2050, to allow for discussions to begin between the Georgia World Congress Center and the Atlanta Falcons to determine if the Falcons will continue to play in Atlanta. The bill provides that the tax will be extended through 2050 if the same portion of the tax that is currently being used for funding of the Georgia Dome is used to fund a successor facility located on property owned by the World Congress Center and if a contract has been entered into between the Congress Center and a nation football league team for use of the facility through the end of the new extended period of the tax. In addition, during the extension of the tax, the same portion of the tax that is currently being used to fund other tourism initiatives in Georgia will continue to be used for that purpose.

- **Authored By:** Rep. Mark Burkhalter of the 50th

- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 984 - Income taxes; levy or collection of local income taxes; prohibit

- BILL SUMMARY: This bill repeals the Article in the Code that allows counties and cities to initiate a local income tax. The Article allows counties and cities, subject to referendum, to adopt a local income tax at the rate of 1% upon the portion of taxable net income of every resident individual of the county or city, and on the net income of every corporation and fiduciary that is "reasonably attributable" to property owned and business done within the county or city. This tax would not be imposed on individuals with a gross income of less than \$7,500. This bill provides that on or after the effective date of this Code section, there shall be no local income taxes levied or collected by any political subdivision of the state, and no local income tax returns shall be required.

- **Authored By:** Rep. Larry O'Neal of the 146th

- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 1093 - Occupation taxes; county provide electronic information to Department of Revenue; provisions

- **BILL SUMMARY:** This legislation is designed to improve collection of state and local sales and use taxes. It provides that, if a county or city chooses to participate in this program, that they will send certain pieces of information to the Georgia Department of Revenue about the businesses that are paying local occupation taxes in that jurisdiction. This will allow the Dept. of Revenue to match those businesses with the Department's list of businesses that have registered to collect and remit sales taxes to the Department. This will allow them to identify those businesses should be collecting sales taxes but are not doing so. The provisions in this bill will only apply to those counties and cities that adopt a resolution consenting to participate in this program.

Under this bill, participating counties and cities will request the business name, mailing address or physical location if the mailing address is a P.O. Box, and the sales and use tax identification number assigned to the business by the Department if they are required to have such number. In addition, the county or city will assign a North American Industry Classification Code number or numbers to the business. The county or city must also provide written notice to the business that this information, or refusal to provide this information, will be provided to the Department. After collecting this information the county or city will enter this information into a website or electronic portal maintained by the department.

- **Authored By:** Rep. David Knight of the 126th

- **Committee Action:** Do Pass by Committee Substitute

* *Bills passing committees are reported to the Clerk's Office, and are then placed on the General Calendar.*



COMMITTEE MEETING SCHEDULE

Friday, February 12, 2010

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| 10:00 AM - 11:00 AM | <u>Tax Allocation Subcommittee of State Planning</u> | 515 CLOB |
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Saturday, February 13, 2010 : No Meetings Today

Sunday, February 14, 2010 : No Meetings Today

Monday, February 15, 2010

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| 9:30 AM - 3:00 PM | <u>JUDICIARY NON-CIVIL</u> | 132 CAP |
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| 2:00 PM - 4:00 PM | <u>Jacobs Subcommittee of Judiciary Civil</u> | 403 CAP |
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* *This broadcast schedule is up to date at the time of this report, but meetings dates and times are subject to change. To keep up with the latest schedule please visit the General Assembly website www.legis.ga.gov and click on House Meetings. To view the live stream of these meetings, please visit the Georgia Legislative Network.*