

OFFICE OF COMMITTEE SERVICES

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TOMORROW'S FORECAST

- * The House will reconvene for its 19th Legislative Day on Wednesday, February 17, at 10:00 AM.
- * 2 bills are expected to be debated on the floor.

**GEORGIA HOUSE OF REPRESENTATIVES****DAILY REPORT**

Tuesday, February 16, 2010

18th Legislative Day

TODAY ON THE FLOOR**RULES CALENDAR****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
- **Rule:** Modified-Open
- **Yeas:** 166; **Nays:** 0

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
- **Rule:** Modified-Structured
- **Yeas:** 155; **Nays:** 7

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
- **Rule:** Modified-Structured
- **Yeas:** 148; **Nays:** 17

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
- **Rule:** Modified-Structured
- **Yeas:** 162; **Nays:** 2

** HB 703 was postponed for debate today, and may be available for debate on the Floor tomorrow.*

** The House will reconvene Wednesday, February 17, at 10:00 AM, for its 19th Legislative Day*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 19th Legislative Day, Wednesday, February 17, and bills may be called at the pleasure of the Speaker.

TOMORROW ON THE FLOOR

HB 665 - Elections; 2010 pilot program; electronic transmission of absentee ballots; provisions

- BILL SUMMARY: House Bill 665 provides for a pilot program for the 2012 general primary and general election for the electronic transmission of absentee ballots by military and overseas citizens. Implementation of its provisions is subject to the availability of funding.
- **Authored By:** Rep. Mark Hamilton of the 23rd
- **House Committee:** Governmental Affairs
- **House Committee Passed:** 2/3/2010
- **Rule:** Structured

HB 1028 - Ad valorem tax; forest land conservation use property; revise provisions

- BILL SUMMARY: The Forest Land Protection Act passed in 2008 provided that when breach of a forest land covenant occurs following the transfer of a portion of the tract to another owner, that the penalty and interest shall be paid by either the acquiring owner or the transferor, whichever breached the covenant. However, Dept. of Revenue rules and regulations promulgated on this act provide that if the penalty and interest is not satisfied by the breaching party then the local governments may seek recovery from the non-breaching party's property interest, and may file a lien against that property. This bill would clarify that only the portion on which the breach occurred will be subject to penalty and interest, and only that portion of the land may be subject to a lien.
- **Authored By:** Rep. Jay Roberts of the 154th
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/4/2010
- **Rule:** Structured

** The Rules Committee will next meet on Thursday, February 18, at 9:00 AM, to set the Rules Calendar for the 20th Legislative Day.*

COMMITTEE ACTION REPORT

Children & Youth

HB 1085 - Reunification of family; additional case plan and permanency plan requirements; provisions

- BILL SUMMARY: This legislation would require that when children are placed into foster care siblings are kept together when possible, that the child stays in the same educational setting when possible and require that transition planning take place with youths who are about to exit the program.

- **Authored By:** Rep. Katie M. Dempsey of the 13th

- **Committee Action:** Do Pass

Code Revision

HB 941 - Food adulteration; Kosher foods; designate as reserved

- BILL SUMMARY: This bill repeals Article 11, relating to Kosher foods, of Chapter 2 of Title 26, relating to standards, labeling, and adulteration of food, of the Official Code of Georgia.

- **Authored By:** Rep. Greg Morris of the 155th

- **Committee Action:** Do Pass

Higher Education

HB 1128 - Public property; writing off small amounts due to state; provisions

- BILL SUMMARY: House Bill 1128 extends the sunset provision put in place to allow state agencies and departments including the Board of Regents of the University System of Georgia or the Technical College System of Georgia, to consider administratively discharging obligations that have been determined uncollectable to July 1st 2013. The Board of Regents of the University System of Georgia or the Technical College System of Georgia may discharge amounts of \$3,000.00 or less. In order for these obligations to be considered uncollectable, the agency must provide documentation of the efforts made to collect the debt to the commissioner of the agency. At that time the commissioner will then determine if the cost of further collection efforts is in the public's financial interest. A certificate will be issued deeming the efforts of collection to be costly and the obligation can then be removed for accounting purposes.

This bill also allows the Technical College System of Georgia to collect revenue from tuition. However the amount collected may not exceed 15 percent of the tuition collected. This section is also extended until July 1st 2013.

- **Authored By:** Rep. Earl Ehrhart of the 36th

- **Committee Action:** Do Pass

Judiciary

HB 357 - Court reporters; notice requirements regarding access; provisions

- BILL SUMMARY: This bill provides for certain notice requirements regarding a party litigants' access to a court reporter for all contested civil hearings or trials in a state court of record, the judgments of which are subject to appellate review. The court must inform the individual (1) of his right to a court reporter, (2) that a failure to obtain a transcript could adversely impact the ability to appeal an adverse ruling, and (3) that there may be a cost associated with such transcription. If a party litigant waives the right to a court reporter, a note indicating such shall be made by the court in its order on the case.

- **Authored By:** Rep. Edward Lindsey of the 54th

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

Judiciary

HB 917 - Uniform Interstate Depositions and Discovery Act; enact

- BILL SUMMARY: The new Uniform Interstate Depositions and Discovery Act ('Uniform Act') contained in this bill permits a domestic subpoena to be issued upon presentation of a foreign subpoena to the clerk of the court and applies to all types of discovery, not just depositions.

The main provision of the current Uniform Act would be retained so a commission from a foreign court could still be used to take a deposition in Georgia.

- **Authored By:** Rep. Mike Jacobs of the 80th

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

Judiciary

HB 954 - Alimony; determining amount; not consider certain events; provide

- BILL SUMMARY: This bill would prohibit the finder of fact from considering premarital cohabitation or relationship between the parties or any marriage between the parties that preceded the dissolution of the current marriage in determining an award of alimony.
- **Authored By:** Rep. Jay Powell of the 171st
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

HB 956 - Dismissal of appeals; may be dismissed if improperly filed; provide

- BILL SUMMARY: This bill allows the trial court to dismiss an appeal when it was filed as a notice of appeal but should have been filed as an application for appeal, in addition to the other enumerated reasons in code section 5-4-68(b)(1). Currently, only the appeals court has the right to dismiss the appeal and the trial court does not. This adds unnecessary time and expense to the judicial process. This bill will help streamline the judicial process.
- **Authored By:** Rep. Jay Powell of the 171st
- **Committee Action:** Do Pass by Committee Substitute

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

Transportation

HB 965 - Bicycles; operation on sidewalks; authorize local governments

- BILL SUMMARY: Amends Code section 40-6-144 to allow persons of all ages to ride bicycles on sidewalks if a local government chooses to allow the same in their ordinance. The same section is also amended relating to vehicles yielding to pedestrians to require vehicles to also yield to bicycles.
- **Authored By:** Rep. Doug McKillip of the 115th
- **Committee Action:** Do Pass

Transportation

HB 1047 - Flow of traffic; minimum fine for impeding traffic flow; provide

- BILL SUMMARY: This legislation amends Code section 40-6-184 to provide a minimum fine for drivers who impede the flow of traffic by driving too slow except when reduced speed is necessary for safe operation. The fine for a conviction of violating this Code section will be at least \$75.00 in addition to any other punishment authorized by law.
- **Authored By:** Rep. Mark Butler of the 18th
- **Committee Action:** Do Pass by Committee Substitute

Transportation

SB 305 - Transportation Department.; design-build method; increase the percentage of projects contracted

- BILL SUMMARY: This legislation amends Georgia Code so that in contracting for design-build contracts, the Department of Transportation is limited to contracting for no more than 30% of the total amount of construction projects awarded in the previous fiscal year. Current law provides for no more than 15%.
- **Authored By:** Sen. Jeff Mullis of the 53rd
- **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

Wednesday, February 17, 2010

8:00 AM - 9:00 AM	<u>SCIENCE & TECHNOLOGY</u>	506 CLOB
9:00 AM - 10:00 AM	<u>RULES</u>	341 CAP
1:00 PM - 3:00 PM	<u>JUDICIARY NON-CIVIL</u>	132 CAP
1:30 PM - 5:30 PM	<u>Appropriations Special Subcommittee on HB 307</u>	341 CAP
2:00 PM - 3:00 PM	<u>Livestock, Poultry and Aquaculture Subcommittee</u>	415 CLOB
2:00 PM - 3:00 PM	<u>STATE INSTITUTIONS & PROPERTY</u>	506 CLOB
2:00 PM - 3:00 PM	<u>REGULATED INDUSTRIES</u>	515 CLOB
2:00 PM - 3:00 PM	<u>Elections Subcommittee of Governmental Affairs</u>	406 CLOB
2:00 PM - 3:00 PM	<u>PUBLIC SAFETY & HOMELAND SECURITY</u>	606 CLOB
2:00 PM - 3:00 PM	<u>RETIREMENT</u>	403 CAP
3:00 PM - 4:00 PM	<u>ENERGY, UTILITIES & TELECOMMUNICATIONS</u>	506 CLOB
3:00 PM - 4:00 PM	<u>INDUSTRIAL RELATIONS</u>	415 CLOB
3:00 PM - 4:30 PM	<u>Environmental Quality Subcommittee of Natural Resources</u>	403 CAP
3:00 PM - 4:00 PM	<u>Sims Subcommittee of State Planning</u>	514 CLOB
3:00 PM - 5:00 PM	<u>HEALTH & HUMAN SERVICES</u>	606 CLOB
3:00 PM - 5:00 PM	<u>Intergovernmental Relations Subcommittee of State Planning</u>	515 CLOB
3:00 PM - 5:00 PM	<u>Ramsey Subcommittee of Judiciary Non-Civil</u>	132 CAP

** 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.*