

OFFICE OF COMMITTEE SERVICES

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TOMORROW'S FORECAST

- * The House will reconvene for its 21st Legislative Day on Monday, March 8, at 10:00 AM.
- * 6 bills are expected to be debated on the floor on March 8.



GEORGIA HOUSE OF REPRESENTATIVES

DAILY REPORT



Thursday, February 18, 2010

20th Legislative Day

TODAY ON THE FLOOR

MOTIONS TO AGREE

HB 164 - Bremen, City of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the City of Bremen.
- **Authored By:** Rep. Mark Butler of the 18th
- **House Committee:** Intragovernmental Coordination - Local
- **A motion to agree represents final passage of this bill.**

RULES CALENDAR

HB 867 - Commission on Regional Planning; create; provide for membership and duties

- BILL SUMMARY: This bill creates a Commission on Regional Planning, which will:
 - Coordinate state contracts and planning of resource allocation as well as state service delivery.
 - Identify appropriate funding for commissions pursuing shared service delivery goals as well as issues requiring state, regional or local action.

This bill also establishes this Commission's governing board composition with the Governor serving as a chairperson.

- **Authored By:** Rep. Ron Stephens of the 164th
- **House Committee:** Economic Development & Tourism
- **Rule:** Open
- **Yeas:** 135; **Nays:** 24

HB 901 - Repeat offenders; fourth felony offense punishment; change provisions

- BILL SUMMARY: This bill would remove an exception for capital felons and require them to serve the maximum sentence upon conviction of a fourth or subsequent felony.

Currently, the code includes the phrase "other than a capital felony". This bill removes that language.

- **Authored By:** Rep. Kevin Levitas of the 82nd
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Structured
- **Yeas:** 151; **Nays:** 10

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
- **House Committee:** Education
- **Rule:** Modified-Structured
- **Yeas:** 162; **Nays:** 0

HB 981 - Law enforcement vehicles; painted solid color; authorize

- BILL SUMMARY: This legislation amends Code Section 40-8-91 to allow the Commissioner of the Department of Public Safety to have State Patrol cars painted a solid color instead of a two toned scheme. The current regulations regarding two toned color schemes remain unchanged. HB 981 just offers another option when considering painting of patrol cars.
- **Authored By:** Rep. Jill Chambers of the 81st
- **House Committee:** Public Safety and Homeland Security
- **Rule:** Modified-Structured
- **Yeas:** 159; **Nays:** 3

LOCAL CALENDAR

HB 1142 - Putnam County; board of elections and registration; create

- BILL SUMMARY: A Bill to amend the Act creating a board of elections and registration for Putnam County so as to provide for the composition, qualifications, and terms of its members, and, to provide for meetings, procedures, and compensation of members of the board and personnel.
- **Authored By:** Rep. Mickey Channell of the 116th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

HB 1151 - St. Marys, City of; ad valorem tax; municipal purposes; homestead exemption; provisions

- BILL SUMMARY: A Bill to replace the current homestead exemption from City of St. Marys ad valorem taxes for municipal purposes in the amount of \$25,000.00 of the assessed value of the homestead for residents of that city who are 65 years of age or older whose income does not exceed \$25,000.00 with a new exemption in the amount of \$25,000.00 for residents who are 65 years of age or older without regard to income.
- **Authored By:** Rep. Cecily Hill of the 180th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

HB 1156 - Temple, City of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the City of Temple.
- **Authored By:** Rep. Timothy Bearden of the 68th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

HB 1157 - Broxton, City of; city attorney and municipal court judge qualifications; provide

- BILL SUMMARY: A Bill to provide qualifications for certain officials, to provide requirements for disbursements, to provide for deposit of funds received as fines, forfeitures, and fees, to provide for penalties for not timely making such deposits, to provide for audits, and to provide for penalties for failure to timely perform audits in the City of Broxton.
- **Authored By:** Rep. Chuck Sims of the 169th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

HB 1169 - Cadwell, Town of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the Town of Cadwell.
- **Authored By:** Rep. DuBose Porter of the 143rd
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

HB 1176 - Fannin County Water Authority Act; enact

- BILL SUMMARY: A Bill to create the Fannin County Water Authority and to provide for its powers and duties.
- **Authored By:** Rep. David Ralston of the 7th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

SB 376 - Covington Municipal Airport Authority Act; powers, duties, membership

- BILL SUMMARY: A Bill to create the Covington Municipal Airport Authority and to provide for its powers and duties.
- **Authored By:** Sen. John Douglas of the 17th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 162; **Nays:** 0

** The House will reconvene Monday, March 8, at 10:00 AM, for its 21st Legislative Day*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 21st Legislative Day, Monday, March 8, and bills may be called at the pleasure of the Speaker.

NEXT ON THE FLOOR

HB 180 - Public health and morals; tattooing near the eye; change certain provisions

- BILL SUMMARY: Under the current code tattooing around the eye-socket is not permitted under any circumstances. This bill provides that such procedures will be permissible in Georgia when performed by a physician or an appropriately licensed technician under supervision of a physician, and that physician's principal practice location is in Georgia. Tattooing around the eye-socket will still be prohibited in tattoo parlors.
- **Authored By:** Rep. Melvin Everson of the 106th
- **House Committee:** Judiciary Non-Civil
- **House Committee Passed:** 2/10/2010
- **Rule:** Modified-Open

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
- **House Committee:** Judiciary
- **House Committee Passed:** 2/11/2010
- **Rule:** Open

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
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/11/2010
- **Rule:** Modified-Structured

HB 1054 - Public assistance; food stamp recipients may order food over Internet; provide

- BILL SUMMARY: This legislation would allow food stamp recipients to make online orders for food from non-profit corporations, pending approval of the USDA.
- **Authored By:** Rep. Len Walker of the 107th
- **House Committee:** Human Relations & Aging
- **House Committee Passed:** 2/10/2010
- **Rule:** Open

HB 1058 - Seafood; possessing weakfish; change certain provisions

- BILL SUMMARY: This bill reduces the Weakfish possession limit to (1) per trip. The current limit is (6).
- **Authored By:** Rep. Bob Lane of the 158th
- **House Committee:** Game, Fish, & Parks
- **House Committee Passed:** 2/9/2010
- **Rule:** Modified-Open

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
- **House Committee:** Education
- **House Committee Passed:** 2/11/2010
- **Rule:** Modified-Structured

** The Rules Committee will next meet on Monday, March 8, at 9:00 AM, to set the Rules Calendar for the 22nd Legislative Day.*

COMMITTEE ACTION REPORT

Defense & Veterans Affairs

HR 1400 - Congress; not transfer Guantanamo Bay detainees within Georgia or United States; request

- BILL SUMMARY: This resolution urges the United States Congress not to locate any of the detainees at Guantanamo Bay into the state of Georgia or in the United states.
- **Authored By:** Rep. Tony Sellier of the 136th
- **Committee Action:** Do Pass

Education

HB 1079 - Teacher certification; additional payment methods; authorize

- BILL SUMMARY: House Bill 1079 amends Code Section 20-2-200 relating to the payment methods for teachers to pay certifications fees to the Professional Standards Commission. In the past, teachers were only allowed to pay with check or money order but now will be allowed to use credit or debit cards as well.
- **Authored By:** Rep. Tom Dickson of the 6th
- **Committee Action:** Do Pass

Education

HB 1086 - Public records; teacher and school employee information; exempt from disclosure

- BILL SUMMARY: House Bill 1086 deals with exemptions to the disclosure of public records for teachers and employees of public and nonpublic schools. Information regarding the teachers or employees: home address, home telephone number, e-mail address, social security number or insurance/medical information is not subject to public disclosure. Previous code section only covered public school teachers and employees; HB 1086 adds nonpublic teachers and employees.
- **Authored By:** Rep. Rick Austin of the 10th
- **Committee Action:** Do Pass by Committee Substitute

Education

HB 1103 - Education; Professional Standards Commission; criminal background checks; provisions

- BILL SUMMARY: House Bill 1103 is relating to the issuance of clearance certificates for non educators in elementary and secondary education. Professional Standards Commission must issue a clearance certificate for every non educator which means that have completed fingerprint and criminal background check requirements. Additional fingerprinting is not necessary for renewal of a clearance certificate or for educators who possess a professional educator certificate as of January 2, 2011.
- **Authored By:** Rep. Howard Maxwell of the 17th
- **Committee Action:** Do Pass by Committee Substitute

Governmental Affairs

HB 413 - Public Officers and Employees; condition of employment; prohibition requires residence; provide exception

- BILL SUMMARY: HB 413 changes a 1975 act that prevented local governments from using residence as a requirement for employment. This bill would allow local governments to use residency requirements for the offices of city manager, county manager, or officials appointed by the local governing authority.
- **Authored By:** Rep. Mark Hatfield of the 177th
- **Committee Action:** Do Pass by Committee Substitute

Governmental Affairs

HB 1073 - Elections; absentee ballots to uniformed and overseas voters; provisions

- BILL SUMMARY: HB 1073 brings Georgia into compliance with the federal MOVE Act. It provides for the provision of absentee ballots to uniformed and overseas voters and the use of special write-in ballots. Further, it provides that absentee ballots may be requested by electronic transmission. It requires that the State Election Board shall establish by rule or regulation procedures for the transmission of blank absentee ballots to uniformed and overseas voters.
- **Authored By:** Rep. John Meadows of the 5th
- **Committee Action:** Do Pass by Committee Substitute

Governmental Affairs

HR 1401 - Coroner; shall be county officer; provide - CA

- BILL SUMMARY: HR 1401 proposes an amendment to the Georgia Constitution to make the County Coroner a constitutional officer.
- **Authored By:** Rep. Jay Powell of the 171st
- **Committee Action:** Do Pass

Judiciary

HB 1086 - Public records; teacher and school employee information; exempt from disclosure

- BILL SUMMARY: House Bill 1086 deals with exemptions to the disclosure of public records for teachers and employees of public and nonpublic schools. Information regarding the teachers or employees: home address, home telephone number, e-mail address, social security number or insurance/medical information is not subject to public disclosure. Previous code section only covered public school teachers and employees; HB 1086 adds nonpublic teachers and employees.
- **Authored By:** Rep. Rick Austin of the 10th
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

HB 1103 - Education; Professional Standards Commission; criminal background checks; provisions

- BILL SUMMARY: House Bill 1103 is relating to the issuance of clearance certificates for non educators in elementary and secondary education. Professional Standards Commission must issue a clearance certificate for every non educator which means that have completed fingerprint and criminal background check requirements. Additional fingerprinting is not necessary for renewal of a clearance certificate or for educators who possess a professional educator certificate as of January 2, 2011.
- **Authored By:** Rep. Howard Maxwell of the 17th
- **Committee Action:** Do Pass by Committee Substitute

Judiciary Non-Civil

HB 897 - Sexual offenses; assault against persons in custody; change certain provisions

- BILL SUMMARY: This bill cleans up the current code section relating to sexual assault against persons in custody and sexual assault when such person has supervisory or disciplinary authority over another person. It also addresses the GA Sup. Ct. decision in Chase v. State, which held that the code section as written does not preclude consent as a defense to sexual assault. The Court stated that only the Legislature could address the consent issue. This bill explicitly states that "Consent of the victim shall not be a defense to a prosecution under this code section."
- **Authored By:** Rep. Doug Collins of the 27th
- **Committee Action:** Do Pass by Committee Substitute

Motor Vehicles

HB 988 - Driving; safe distance between vehicle and bicycle; provide

- BILL SUMMARY: HB 988 requires the operator of a motor vehicle to leave a safe distance between such motor vehicle and a bicycle when such vehicle is passing the bicycle.
- **Authored By:** Rep. Wendell Willard of the 49th
- **Committee Action:** Do Pass by Committee Substitute

Motor Vehicles

HB 990 - Motor carriers; financial responsibility compatible with federal regulations; provisions

- BILL SUMMARY: HB 990 is a housekeeping bill to bring Georgia in line with federal motor carrier laws.
- **Authored By:** Rep. Alan Powell of the 29th
- **Committee Action:** Do Pass by Committee Substitute

Motor Vehicles

HB 1072 - Motor vehicle franchise practices; voluntary releases; provisions

- BILL SUMMARY: HB 1072 seeks to clarify provisions relating to voluntary releases entered into by a automobile dealer; to prohibit a franchisor from assessing a surcharge against a dealer for warranty repairs; to require a franchisor to pay a dealer terminated as a result of a bankruptcy or industry reorganization the fair market value of the terminated franchise as of the notice of termination or 12 months prior, whichever is greater. It becomes effective upon signature of the Governor.
- **Authored By:** Rep. Ron Stephens of the 164th
- **Committee Action:** Do Pass by Committee Substitute

Special Committee on Small Business Development and Job Creation

HB 1023 - Jobs, Opportunity, and Business Success Act of 2010; enact

- BILL SUMMARY: House Bill 1023 makes several changes in our code to provide tax relief and encourage employment opportunities and business stimulation. The bill makes the following changes:
 - Provides for a "Year for Georgia Entrepreneurs" which is a one year waiver of certain Secretary of State filing fees for corporations, limited partnerships, and LLCs which will be effective from July 1, 2010 through June 30, 2011.
 - Provides employers with the "Georgia Works Tax Credit" for hiring people that have been receiving unemployment compensation
 - oQuarterly credit against their required unemployment contributions in an amount between \$25 and \$125 per employee per calendar quarter, to be determined by the Commissioner of the Department of Labor based on conditions in the labor market, the state of the economy, and the state-wide reserve ratio.
 - oThis provision will only become effective upon the United States Secretary of Labor determining that it is in conformity with federal law.
 - Provides corporations and individuals with an income tax exclusion for long-term capital gains
 - oIn the year following the year in which the revenue shortfall reserve is funded at \$500 million or more, the exclusion amount is 25% of the total net long-term capital gains.
 - oFor all tax years after that, the exclusion amount is 50%
 - Provides employers with a \$2400 income tax credit per employee if they hire unemployed people through the end of June, 2011 and employ them for at least 2 years.
 - oCredit may be taken in the year the 24th month of employment is completed
 - oEmployee must have been unemployed at least thirteen weeks immediately prior to being hired, and must be compensated at at least 180% of the poverty level
 - oAny unused credit may be carried forward two years
 - Creates the "Angel Investor Income Tax Credit" to encourage third party investment in early stage businesses
 - oProvides an income tax credit to investors that make investments in qualified businesses in 2010, 2011, 2012, 2013, or 2014 to be taken in the second year following the year of the investment.
 - oCredit is equal to the lesser of \$50,000 or 50% of the aggregate amount of an individual's investments.
 - oQualified businesses include businesses domiciled in Georgia that employ 20 or fewer people, have gross annual sales of less than \$500,000, have not obtained more than \$1 million in cash proceeds from the issuance of equity or debt, and have a business net worth of less than \$3 million
 - oThe aggregate cap of all tax credits shall not exceed \$10 million per year
 - Eliminates the corporate net worth tax beginning in 2011
- **Authored By:** Rep. Tom Graves of the 12th
- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 993 - Taxation; furnishings for accommodations; authorize

- BILL SUMMARY: House Bill 993 will allow Macon and Bibb County to increase their hotel motel tax from 6% to 7%. An amount equal to the 6% levy will continue to be spent for the same purposes as they are being used for now, and the additional 1% will be used to fund the local halls of fame. Both Macon and Bibb County have passed resolutions approving this change, and after passage of this bill and a local Act ratifying such resolutions, then the county and city may increase the rate to 7%.

- **Authored By:** Rep. David Lucas of the 139th

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

Ways & Means

HB 1013 - Sales tax; educational purposes; change provisions

- BILL SUMMARY: House Bill 1013 requires school boards to publish an annual summary of their sales tax for education (ESPLOST) program finances in a newspaper of general circulation within the local government boundaries. The publication must show, for each project, the original estimated cost, the current estimated cost, amounts expended in prior year, and amounts expended in the current year. This is the same requirement imposed on counties and cities that have a special purpose local option sales tax (SPLOST). This is intended to provide transparency in the use of taxpayer money and ensures school systems are held to the same standards as counties and cities.

- **Authored By:** Rep. Doug Holt of the 112th

- **Committee Action:** Do Pass

Ways & Means

HB 1041 - Tax digests; not approved by commissioner under certain conditions; eliminate

- BILL SUMMARY: House Bill 1041 eliminates a provision in the code that would not allow the commissioner of the department of revenue to approve digests where the assessed value of over 3% (or 5% in a year of a complete revaluation) of the total digest is on appeal or in arbitration. In some counties in Georgia, it is possible that one taxpayer could constitute over 3% of the total county digest, therefore resulting in a hold-up of the digest if one taxpayer has appealed the value of their property. This bill would eliminate this disapproval requirement beginning in 2010, and allow counties to proceed with mailing out tax bills even if properties are under appeal. The properties under appeal will continue to be billed at 85% of the assessed value as they are under the law now.

- **Authored By:** Rep. James Epps of the 140th

- **Committee Action:** Do Pass

Ways & Means

HB 1135 - Transportation, Department of; enter into multiyear contracts; authorize

- BILL SUMMARY: House Bill 1135 allows the Department of Transportation to enter into multi-year contracts, which gives the Department the flexibility to obligate funds for projects in the year that the dollars are actually spent. Currently all the cash for a project must be in the bank before a contract is signed. This bill will allow the department to efficiently utilize every available dollar in a responsible manner. This is especially needed in an environment where motor fuel dollars are declining. The bill provides that the contract will terminate at the close of the fiscal year in which it was executed and at the close of each succeeding fiscal year for which it is renewed by the department, and must state the total obligation of the department for payment in the year of execution and for each renewal term. The contract will only obligate the department for those sums payable during the fiscal year of execution or in the renewal year and will not create a debt of the state for the payment of any sum beyond those sums.

- **Authored By:** Rep. Jay Roberts of the 154th

- **Committee Action:** Do Pass

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