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## TOMORROW'S FORECAST

- \* The House will reconvene for its 22nd Legislative Day on Tuesday, March 9, at 10:00 AM.
- \* 10 bills are expected to be debated on the floor.



## GEORGIA HOUSE OF REPRESENTATIVES

# DAILY REPORT



Monday, March 08, 2010

21st Legislative Day

## TODAY ON THE FLOOR

### MOTIONS TO AGREE

#### **HB 168 - Telecommunications; modernize competition; provisions**

- BILL SUMMARY: Seeks to completely eliminate the Universal Access Fund which was established in 1995 to aid telecommunication companies to bring parity between rates charged for intrastate connections with those of interstate connections.
- **Authored By:** Rep. Clay Cox of the 102nd
- **House Committee:** Energy, Utilities & Telecommunications
- **A Motion to Agree as Amended sends this bill back to the Senate for consideration of the House amendment**

### RULES CALENDAR

#### **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
- **Rule:** Modified-Open
- **Yeas:** 136; **Nays:** 23

#### **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
- **Rule:** Open
- **Yeas:** 162; **Nays:** 1

#### **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
- **Rule:** Open
- **Yeas:** 164; **Nays:** 1

### **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

- **Rule:** Modified-Structured

- **Yeas:** 151; **Nays:** 13

### **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

- **Rule:** Modified-Open

- **Yeas:** 162; **Nays:** 5

### **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

- **Rule:** Modified-Structured

- **Yeas:** 137; **Nays:** 33

## **LOCAL CALENDAR**

### **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:** 132; **Nays:** 10

## **POSTPONED LEGISLATION**

*HB 1054 was postponed from the House Rules Calendar to a date certain of Wednesday, March 10, Legislative Day 23.*

**\* The House will reconvene Tuesday, March 9, at 10:00 AM, for its 22nd Legislative Day**

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# COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 22nd Legislative Day, Tuesday, March 9, and bills may be called at the pleasure of the Speaker.

## TOMORROW ON THE FLOOR

### **HB 883 - Sanitary Activity for Food-Processing Enterprises (SAFE) Act; enact**

- **BILL SUMMARY:** Requires that food-processors maintain sanitization plans on-premises. Would require that such plans meet minimum standards and provide penalties for violations of the requirement, and would punish food-processors who knowingly introduce tainted product into the stream of commerce.

- **Authored By:** Rep. Kevin Levitas of the 82nd
- **House Committee:** Agriculture & Consumer Affairs
- **House Committee Passed:** 2/3/2010
- **Rule:** Open

### **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
- **House Committee:** Judiciary
- **House Committee Passed:** 2/16/2010
- **Rule:** Modified-Structured

### **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
- **House Committee:** Judiciary
- **House Committee Passed:** 2/16/2010
- **Rule:** Open

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

### **HB 1002 - Crimes and offenses; crimes against judges and court personnel; increase punishment**

- **BILL SUMMARY:** This bill provides for enhanced penalties against those who commit aggravated assault against judges, attorneys, clerks of court, deputy clerks of court, court reporters, and probation officers while they are performing their official duties.

- **Authored By:** Rep. Wendell Willard of the 49th
- **House Committee:** Judiciary Non-Civil
- **House Committee Passed:** 2/17/2010
- **Rule:** Modified-Open

### **HB 1015 - Street gang terrorism and prevention; expand and change provisions**

- BILL SUMMARY: This bill strengthens and clarifies the Georgia Street Gang and Terrorism Prevention Act. Some of the changes are a result of the Georgia Supreme Court decision Rodriguez v. State. Others are to clean up the language to make it consistent, to conform to the definitions, and to remove unclear provisions that could be subject to challenge. It also adds new offenses for, among other things, initiation, encouragement, and retaliation against those who perform acts to gain membership, attempt to recruit new members, or who threaten with retaliation those who refuse to join a gang or testify against a gang. It will also, should funding become available, authorize the GBI to create and manage a Georgia Criminal Street Gang Database.

- **Authored By:** Rep. Rich Golick of the 34th
- **House Committee:** Judiciary Non-Civil
- **House Committee Passed:** 2/10/2010
- **Rule:** Modified-Structured

### **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
- **House Committee:** Governmental Affairs
- **House Committee Passed:** 2/18/2010
- **Rule:** Structured

### **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
- **House Committee:** Ways & Means
- **House Committee Passed:** 2/18/2010
- **Rule:** Structured

### **HB 1154 - Influenza vaccine; revise definition**

- BILL SUMMARY: This legislation allows the nasal spray flu vaccine to be administered to patients in the range of 13-49 years of age without needing a prescription from a physician. Additionally patients who opt for the nasal spray vaccine rather than the injection must sign a form stating that they do not have any medical conditions that would make them high risk for influenza.

- **Authored By:** Rep. Sean Jerguson of the 22nd
- **House Committee:** Health & Human Services
- **House Committee Passed:** 2/17/2010
- **Rule:** Modified-Structured

### **HB 1179 - Influenza vaccinations; hospitals offer annually to employees; require**

- BILL SUMMARY: This legislation requires that hospitals offer flu vaccines to their employees who have contact with patients, at no cost for the employee. These vaccines are not mandatory for the employee to accept.

- **Authored By:** Rep. Katie M. Dempsey of the 13th
- **House Committee:** Health & Human Services
- **House Committee Passed:** 2/17/2010
- **Rule:** Modified-Structured

*\* The Rules Committee will next meet on Tuesday, March 9, at 9:00 AM, to set the Rules Calendar for the 23rd Legislative Day.*

# COMMITTEE ACTION REPORT

## Judiciary Non-Civil

### **HB 1144 - Juvenile proceedings; detention; change provisions**

- BILL SUMMARY: This bill was requested by the Department of Juvenile Justice. The bill would allow juveniles to receive credit for time served in juvenile detention prior to disposition or sentencing (currently, juveniles are explicitly excluded from this mandate).
- **Authored By:** Rep. Mary Margaret Oliver of the 83rd
- **Committee Action:** Do Pass by Committee Substitute

*During the 2 week recess, only the Natural Resources & Environment committee took official action and passed legislation. HB 1094 was reported to clerk's office today and will be on the General Calendar for the House tomorrow. Below is the summary*

## Natural Resources & Environment

### **HB 1094 - Natural Resources, Department of; develop water conservation incentives; require**

- BILL SUMMARY: This bill seeks to create a "culture of water conservation" in Georgia through a combination of incentives and mandates. H.B. 1094 requires various state agencies (such as the Department of Natural Resources, the Georgia Environmental Facilities Authority and the Georgia Department of Agriculture), no later than August 1 of this year, to examine their practices, policies, etc. to identify opportunities for voluntary water conservation incentives and enhancing the state's water supply. The bill also imposes reporting requirements on these agencies for the purpose of showing what changes they have made to promote water conservation and enhancing water supply and goals for the next year; for example, these agencies would submit annual reports to the General Assembly with regard to such changes on or before January 1 each year between 2011 and 2015.

The Board of Natural Resources, no later than January 1 of next year, must adopt rules for the minimum standards and best practices for monitoring and improving the efficiency and effectiveness of water use by public water systems to improve water conservation. This program would, among other things, provide for the establishment of an infrastructure leakage index and a phased-in approach requiring public water systems to implement water loss detection programs. Public water systems defined in the bill as those which provide to the public piped water for human consumption, if they serve at least 3,300 individuals) would be required to conduct water loss audits (pursuant to the minimum standards and best practices adopted by the Board of Natural Resources), with such systems serving at least 10,000 individuals required to conduct such audits by January 1, 2012 and other public water systems required to do so by January 1, 2013.

The bill clarifies when a local government may seek to impose tougher outdoor watering restrictions than those imposed by the state and limits outdoor watering to the hours of 4 p.m. to 10 a.m. daily, with a number of exceptions to this limitation (as some examples, that restriction would not apply to commercial agricultural operations, reuse of gray water, irrigation of personal food gardens or irrigation of athletic fields, golf courses or public turf areas). The legislation also provides for an appeals process for a permittee who is aggrieved or adversely affected by any order/action of the director of the Environmental Protection Division pursuant to these watering provisions.

H.B. 1094 establishes three categories of farm use surface and groundwater withdrawal permits---active, inactive and unused---and includes provisions concerning expiration of unused permits and reclassification of inactive farm use surface water/groundwater permits as active permits.

The legislation contains new requirements concerning submetering (individual measurement of water usage in multiunit complexes). All new multiunit residential buildings permitted on or after July 1, 2012 must be constructed in a manner in which individual water use in each unit can be measured. This requirement would not apply to buildings constructed or permitted prior to July 1, 2012 which thereafter are renovated or following a casualty or condemnation, renovated or rebuilt. Furthermore, all new multiunit retail and light industrial buildings permitted or with a pending permit application on or after July 1, 2012 must be constructed so that individual water use of each unit can be measured, but with exceptions for such buildings permitted prior to that date which are renovated or following a casualty or condemnation, renovated and rebuilt. The submetering requirement would not apply to newly constructed multiunit office buildings or to the office components of mixed-use developments. The bill authorizes the EPD director to issue a temporary waiver of the submetering requirement if compliance has become temporarily impracticable due to circumstances beyond the control of the owner or operator and relieves such owners/operators from liability for actions/inactions that occur as a result of billing or meter-reading errors by an unaffiliated third-party billing or meter-reading company.

H.B. 1094 also requires installation of high-efficiency plumbing fixtures in all new construction permitted on or after July 1, 2012 and updates a number of definitions pertaining to such fixtures and requires installation of high-efficiency cooling towers permitted on or

after that date as well. Finally, the bill creates a 10-member legislative Joint Committee on Water Supply, consisting of five House members and five senators, to study the state's reservoir system and analyze the state's strategic needs for additional water supply, including without limitation the identification of creative financing options for water reservoirs and other opportunities for water supply enhancement. This study committee must report its findings and recommendations not later than December 31 of this year.

- **Authored by:** Rep. Lynn Smith

- **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 BROADCAST SCHEDULE

### Tuesday, March 09, 2010

8:00 AM - 10:00 AM	<u>Lane Subcommittee of Judiciary Civil</u>	406 CLOB
8:00 AM - 9:00 AM	<u>Public Finance &amp; Policy Subcommittee of Ways &amp; Means</u>	133 CAP
9:00 AM - 10:00 AM	<u>JUDICIARY NON-CIVIL</u>	132 CAP
9:00 AM - 10:00 AM	<u>RULES</u>	341 CAP
1:00 PM - 2:30 PM	<u>General Government Subcommittee of Governmental Affairs</u>	514 CLOB
1:00 PM - 3:00 PM	<u>Setzler Subcommittee of Judiciary Non-Civil</u>	216 CAP
1:00 PM - 4:00 PM	<u>TRANSPORTATION</u>	506 CLOB
1:30 PM - 3:00 PM	<u>STATE PLSNNGING &amp; COMMUNITY AFFAIRS</u>	515 CLOB
2:00 PM - 4:00 PM	<u>JUDICIARY CIVIL</u>	132 CAP
2:00 PM - 3:00 PM	<u>ECONOMIC DEVELOPMENT &amp; TOURISM</u>	406 CLOB
2:00 PM - 3:00 PM	<u>CHILDREN &amp; YOUTH</u>	403 CAP
2:00 PM - 3:00 PM	<u>DEFENSE &amp; VETERANS AFFAIRS</u>	415 CLOB
2:00 PM - 4:00 PM	<u>WAYS &amp; MEANS</u>	606 CLOB
2:30 PM - 3:00 PM	<u>Elections Subcommittee of Governmental Affairs</u>	514 CLOB
3:00 PM - 4:00 PM	<u>HIGHER EDUCATION</u>	406 CLOB

\* 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](http://www.legis.ga.gov) and click on House Meetings. To view the live stream of these meetings, please visit the Georgia Legislative Network.