

OFFICE OF COMMITTEE SERVICES

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TOMORROW'S FORECAST

- * The House will reconvene for its 25th Legislative Day on Tuesday, March 16, at 10:00 AM.
- * 8 bills are expected to be debated on the floor.

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

Thursday, March 11, 2010

24th Legislative Day

TODAY ON THE FLOOR**RULES CALENDAR****HB 927 - Public schools disciplinary tribunals; bullying; expand definition**

- **BILL SUMMARY:** This bill expands and clarifies the definition of 'bullying,' and allows remedial action to be taken in any grade level (not just six through 12). The bill reiterates that local school systems have discretion to transfer a student for bullying. The DOE would be required to develop a model bullying policy which requires a process to notify parents of incidents of bullying, a duty for school employees to report bullying, and to prohibit retaliation for reporting bullying.
- **Authored By:** Rep. Mike Jacobs of the 80th
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Open
- **This bill was Tabled**

HB 958 - Georgia Ports Authority; applicability of traffic laws and enforcement by security guards; provisions

- **BILL SUMMARY:** This bill amends Code section 52-2-10 by revising language to change designations of 'security guards' as 'peace officers'. The section is also amended to require those persons with the authority to exercise the powers of arrest to be certified peace officers according to the Georgia Peace Officer Standards and Training Council.
- **Authored By:** Rep. Burke Day of the 163rd
- **House Committee:** Public Safety and Homeland Security
- **Rule:** Modified-Open
- **Yeas:** 141; **Nays:** 0

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
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 138; **Nays:** 0

HB 1050 - Real estate appraisers; appraisal management companies; add regulations

- BILL SUMMARY: This bill gives the Georgia Real Estate Appraisers Board the authority to regulate and discipline the Real Estate Appraisal Management Companies that do business in this state. It allows the Board to establish standards for the operation of appraisal management companies and requires such companies to register with the Board. It also requires the appraisal management companies to designate as a managing principal an individual who holds a certified residential real property classification, as determined by the Board.

- **Authored By:** Rep. Tommy Benton of the 31st
- **House Committee:** Regulated Industries
- **Rule:** Open
- **Yeas:** 155; **Nays:** 5

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
- **House Committee:** Education
- **Rule:** Modified-Open
- **Yeas:** 157; **Nays:** 0

HB 1101 - Workers' compensation; Self-insurers Guaranty Trust Fund; revise provisions

- BILL SUMMARY: HB 1101 provides for the publication of decisions of the board as well as providing for the entry and execution of judgment upon final orders and decisions regarding the Self-insurers Guaranty Trust Fund. Further, it modifies the notification period for revocation of a certificate of self-insurance and revises provisions relative to the Self-insurers Guaranty Trust Fund. Finally, it provides immunity from liability for members of the board of trustees of the Self-insurers Guaranty Trust Fund.

- **Authored By:** Rep. Mike Coan of the 101st
- **House Committee:** Industrial Relations
- **Rule:** Modified-Open
- **Yeas:** 161; **Nays:** 0

LOCAL CALENDAR

HB 1281 - Decatur County; board of commissioners; voting and removal from office; change provisions

- BILL SUMMARY: A Bill to provide for the selection, service, power, and duties of the chairperson and the vice-chairperson of the Decatur County Board of Commissioners, and, to change provisions relating to voting and removal from office of the chairperson and vice-chairperson.

- **Authored By:** Rep. Gene Maddox of the 172nd
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 109; **Nays:** 45

HB 1282 - Leary, City of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the City of Leary.

- **Authored By:** Rep. Gerald E Greene of the 149th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 109; **Nays:** 45

HB 1292 - Colquitt County Family Connection Collaborative on Children and Families; change membership

- BILL SUMMARY: A Bill to amend the Act creating the Colquitt County Family Connection Collaborative on Children and Families so as to change membership of the commission.

- **Authored By:** Rep. Jay Powell of the 171st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 109; **Nays:** 45

HB 1295 - Haralson, City of; mayor and councilmembers; stagger terms

- BILL SUMMARY: A Bill to provide four-year staggered terms of office for the mayor and councilmembers of the City of Haralson, to reduce the current term of office for the mayor and the Post 3 councilmember from four years to three years, and to provide for a referendum.

- **Authored By:** Rep. Billy Horne of the 71st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 109; **Nays:** 45

HB 1299 - Roswell, City of; office of mayor not held more than three terms; provide

- BILL SUMMARY: A Bill to provide that no person shall hold the office of mayor for more than three complete terms in the City of Roswell.

- **Authored By:** Rep. Harry Geisinger of the 48th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 109; **Nays:** 45

HB 1319 - Dunwoody, City of; ad valorem tax; provide homestead exemption

- BILL SUMMARY: A Bill to amend the homestead exemption from City of Dunwoody ad valorem taxes for municipal 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 by eliminating the automatic sunset so that the exemption continues indefinitely.

- **Authored By:** Rep. Fran Millar of the 79th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 109; **Nays:** 45

HB 1320 - DeKalb County; ad valorem tax; provide homestead exemption

- BILL SUMMARY: A Bill to amend the homestead exemption from DeKalb County ad valorem taxes for county 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 by eliminating the automatic sunset so that the exemption continues indefinitely.

- **Authored By:** Rep. Fran Millar of the 79th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 109; **Nays:** 45

** The House will reconvene Tuesday, March 16, at 10:00 AM, for its 25th Legislative Day*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 25th Legislative Day, Tuesday, March 16, and bills may be called at the pleasure of the Speaker.

NEXT ON THE FLOOR

HB 571 - Sexual offenders; classification; change and enact provisions

- BILL SUMMARY: This bill updates the code sections dealing with classification of sexual offenders, sexual offender registration requirements, and restrictions on sexual offenders' residences, workplaces, and activities. Also, a narrow and defined appeals process has been added that allows registration requirements to be altered at the discretion of a superior court judge in very limited circumstances.

Major topics covered in this bill include: Appeals, Electronic monitoring devices, Homeless provisions, Language Consistency/Terminology, Misdemeanor offenders, E-mail information, Out of State Offenders, Removal provisions, Penalties, Sexual Offender Registration Review Board, Restrictions on those required to register, Volunteers, Property Interests.

- **Authored By:** Rep. David Ralston of the 7th
- **House Committee:** Judiciary Non-Civil
- **House Committee Passed:** 3/9/2010
- **Rule:** Modified-Structured

HB 788 - Animal protection; methods of euthanasia; provisions

- BILL SUMMARY: Prohibits animal shelters from utilizing gas chambers to euthanize cats and dogs, instead requiring lethal injection to be used as the method of euthanasia (the latter method currently already widely in use).
- **Authored By:** Rep. Tom Knox of the 24th
- **House Committee:** Science and Technology
- **House Committee Passed:** 2/17/2010
- **Rule:** Modified-Structured

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

HB 979 - Assault and battery; penalties for aggravated assault on explorer; provide

- BILL SUMMARY: This bill will amend Article 2 of Chapter 5 of Title 16 of the O.C.G.A relating to assault and battery by amending Code Section 15-5-21 by adding subsection (f)(1) which defines the term "law enforcement explorer" as a person who is a current member of a law enforcement agency's explorer program and who is performing functions other than those required to be performed by a certified peace officer. (f)(2) a person who knowingly commits the offense of aggravated assaults upon a law enforcement explorer, while the explorer is engaged in or the midst of doing his or her duties, will be punished by imprisonment of no less than 5 years but no more than 20 years.
- **Authored By:** Rep. Roger B. Lane of the 167th
- **House Committee:** Public Safety and Homeland Security
- **House Committee Passed:** 2/17/2010
- **Rule:** Modified-Open

HB 982 - Revenue and taxation; administrative garnishment; comprehensive revisions

- BILL SUMMARY: This bill provides for an administrative garnishment process. Using the current cumbersome judicial process to garnish, the Department of Revenue is only able to pursue about 240 garnishments annually because of the revenue agent resources required in the service and subsequent handling of the garnishments, and monetary costs in court filing fees, etc., even if there are no objections by either the delinquent taxpayer or the garnishee. This means thousands of delinquent accounts are uncollected even though the delinquent taxpayers may have property or income that could satisfy the debt. This bill creates an administrative garnishment process. DOR must send a billing notice to the delinquent taxpayer within 6 months, no less than 30 days, before applying administrative garnishment so that the taxpayer has a chance to satisfy the liability and received notice of possible collection action by DOR. DOR would have to wait at least 30 more days before beginning the administrative garnishment process. Once notified, the taxpayer has 15 days to decide whether to appeal to Superior Court, make an administrative appeal to the Department, or allow the garnishment to go forward. Upon DOR's final determination, the taxpayer has 30 days to appeal to Superior Court. A delinquent taxpayer (one that has exhausted its appeal rights) would have two opportunities to put the administrative garnishment process back into Superior Court.
- **Authored By:** Rep. Larry O'Neal of the 146th
- **House Committee:** Ways & Means
- **House Committee Passed:** 3/9/2010
- **Rule:** Modified-Structured

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
- **House Committee:** Higher Education
- **House Committee Passed:** 2/16/2010
- **Rule:** Open

HB 1188 - Revenue and taxation; appoint special agents of Department of Revenue; provide

- BILL SUMMARY: HB 1188 allows the commissioner of the Department of Revenue to appoint not more than eight POST certified law enforcement officers as special agents. These agents shall be authorized to enforce criminal laws as to tax matters (Title 48 of the Georgia Code), and shall have all the powers of a peace officer when engaged in enforcement of these tax matters. Currently, DOR employs 4 POST certified officers, however, these officers are not authorized to enforce the criminal laws of the state on tax matters, and must coordinate with other law enforcement that do not have the expertise in the subject matter which is a very time consuming process that impedes the Department's ability to protect State revenues. Other agencies have their own caseloads and cannot be given certain confidential taxpayer information.

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

- **House Committee:** Ways & Means

- **House Committee Passed:** 3/9/2010

- **Rule:** Modified-Structured

HB 1322 - Public disclosure exemption; certain graphic image photographs; provisions

- BILL SUMMARY: HB 1322 provides that certain photographs fewer than five years old which are in the custody of a law enforcement agency which show graphic images of the sexual organs or the dismemberment of the dead body of a crime victim whose identity is known shall not be subject to public disclosure. This bill will become effective upon signature of the Governor.

- **Authored By:** Rep. Jill Chambers of the 81st

- **House Committee:** Governmental Affairs

- **House Committee Passed:** 3/10/2010

- **Rule:** Modified-Structured

** The Rules Committee will next meet on Tuesday, March 16, at 9:00 AM, to set the Rules Calendar for the 26th Legislative Day.*

COMMITTEE ACTION REPORT

Budget and Fiscal Affairs Oversight

HB 1258 - State Financing and Investment Commission; powers to meet requirements; provide

- BILL SUMMARY: This legislation allows unclaimed recovery zone bonds to be pooled together, allowing Georgia to take advantage of time sensitive borrowing and investment opportunities made available through the Federal American Recovery and Reinvestment Act. The deadline for said funds expires December 31,2010.

- **Authored By:** Rep. James Mills of the 25th

- **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 past 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 a school bus manufacturer of by a dealer of such manufacturer.

- **Authored By:** Rep. Paul Battles of the 15th

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

Education

HB 1100 - Quality Basic Education Act; include growth model; assign ratings; provisions

- BILL SUMMARY: House Bill 1100 is relating to the "Quality Basic Education Act" and it eliminates CRCT testing in 1st and 2nd grades. These tests do not contribute to the student's achievement since they are not counted until the 3rd grade. The bill also gives the Board of Education the ability to waive unnecessary testing if the appropriation funds are insufficient for the maximum of one year.

- **Authored By:** Rep. David Casas of the 103rd

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

Education

HB 1130 - Maximum class size; certain laws and requirements; temporarily suspend

- BILL SUMMARY: House Bill 1130 temporarily suspends the expenditure controls on direct instructional cost; media center cost and professional development cost for the school years of 2010-2011, 2011-2012 and 2012-2013. It also deals with additional days of instruction and the maximum class sizes in schools. With the passage of this bill a local school system can request the approval from the School Board of Education, to add one student to class sizes in kindergarten through grade 5 and two students in grades 6 through 12. With the approval of the State Board, the local school system may also request an additional student on top of this. This option will only be effective for 3 years. For the local school systems to request the additional students they must comply with the following requirements:

- Provide 30 days notice of the intention and rationale for adding extra students to class
- Hold a public hearing to give the community the opportunity to discuss and give input. Advertised at least 7 days prior to the date of hearing in the local newspaper.

In order to keep the additional students in the class the local school system will have to meet the minimal performance measures set by the Board of Education.

- **Authored By:** Rep. Tommy Benton of the 31st
- **Committee Action:** Do Pass by Committee Substitute

Education

HB 1307 - Teacher certification; learning requirements for renewal; temporarily suspend

- BILL SUMMARY: House Bill 1307 amends Code Section 20-2-200 of the O.C.G.A which relates to teacher certification. This bill will temporarily suspending the professional learning requirements for a certification renewal for teachers and paraprofessionals for five years- from July 1, 2010 through July 1, 2015.

- **Authored By:** Rep. Tom Dickson of the 6th
- **Committee Action:** Do Pass by Committee Substitute

Education

HR 1485 - Professional Standards Commission; Certification and Professional Learning Task Force; create

- BILL SUMMARY: House Resolution 1485 creates the Certification and Profession Learning Task Force. This Task Force is created to review certificate renewal requirements and procedures for improvement with the goal of improving schools and teaching. It will consist of 16 members who will serve without compensation. The task force will present a report to the chairpersons of the House Education Committee and Senate Education and Youth Committee by April 15, 2011.

- **Authored By:** Rep. Amy Carter of the 175th
- **Committee Action:** Do Pass by Committee Substitute

Health & Human Services

HB 361 - Safe Medications Practice Act; enact

- BILL SUMMARY: This legislation allows for pharmacists based in hospitals to collaborate with members of the medical staff on specific drug therapies for patients. This would include the ordering of clinical test and the interpretation of such tests.

- **Authored By:** Rep. Ron Stephens of the 164th
- **Committee Action:** Do Pass by Committee Substitute

Health & Human Services

HB 866 - Physicians for Rural Areas Assistance Act; enact

- BILL SUMMARY: This legislation would allow rural hospitals, other health care entities, local governments, and civic organizations to receive matching grants from the State Medical Education Board for the purpose of enticing physicians to rural settings. The grant money can be used for salary supplements, office support, and medical education loan repayment for the physician.

- **Authored By:** Rep. Stephen Allison of the 8th
- **Committee Action:** Do Pass by Committee Substitute

Health & Human Services

HB 994 - Community Health, Department of; regulatory authority; revise provisions

- BILL SUMMARY: This legislation would allow the Board of Community Health to set fees for licensure fees of the health care facilities that they regulate.
- **Authored By:** Rep. Penny Houston of the 170th
- **Committee Action:** Do Pass by Committee Substitute

Health & Human Services

HB 1021 - Dangerous drugs; Salvia divinorum A; include

- BILL SUMMARY: This legislation makes the used of Salvia divinorum A illegal, but provides an exemption the possession for landscaping purposes.
- **Authored By:** Rep. John Lunsford of the 110th
- **Committee Action:** Do Pass by Committee Substitute

Health & Human Services

HB 1119 - Georgia Arthritis Prevention and Control Act; enact

- BILL SUMMARY: This legislation would create the Arthritis Prevention and Control Program, within the Department of Community Health. The membership of the program would include people with Arthritis, medical experts, representatives from the Arthritis foundation, providers, and other epidemiological experts. The program will focus on ways to reduce the prevalence of Arthritis and ways to better control the occurrence. The program would be allowed to accept grants and apply for federal waivers for funding of the program.
- **Authored By:** Rep. Ben Harbin of the 118th
- **Committee Action:** Do Pass

Health & Human Services

HR 1086 - Health care system; no law shall compel participation; provide - CA

- BILL SUMMARY: This resolution provides for an amendment to the Constitution so that no federal law can compel any Georgia citizen or company to participate in a health system. Additionally it provides that all Georgia citizens and companies can pay directly for health care related services without having to pay a fine for such actions.
- **Authored By:** Rep. Calvin Hill of the 21st
- **Committee Action:** Do Pass

Health & Human Services

HR 1449 - Georgia Composite Medical Board; surgery and anesthesia; establish regulations; urge

- BILL SUMMARY: This resolution urges the Georgia Composite Medical Board to create rules for office-based surgeries.
- **Authored By:** Rep. Sharon Cooper of the 41st
- **Committee Action:** Do Pass

Human Relations & Aging

HR 567 - United States Constitution; religious organizations receive public aid; prevent discrimination - CA

- BILL SUMMARY: This resolution proposes an amendment to the Constitution to prevent discrimination in the public funding of social services by allowing religious or faith based organizations to receive public aid, directly or indirectly. Specifically it replaces language concerning the Separation of Church and State by stating that: "except as required by the First Amendment of the United States Constitution, no individual or entity shall be discriminated against or banned from receiving public funding on the basis of religious identity or belief."
- **Authored By:** Rep. Jay Neal of the 1st
- **Committee Action:** Do Pass

Judiciary

HB 742 - Surgical or medical treatment; additional persons authorized to consent to treatment; provisions

- BILL SUMMARY: This bill expands the list of persons who can consent to surgical or medical treatment for those unable to do so for themselves. It also helps persons unable to consent receive access to timely medical care should a guardian be needed.

The bill adds the ability of an 'adult friend' (a newly defined term), if no other person enumerated in the code is available, to consent to surgical or medical treatment.

The bill provides immunity from civil and criminal liability for hospitals, health care facilities, health care providers, or other persons or entities that rely in good faith on the direction or decision of someone they reasonably believed to be authorized to consent.

The bill creates a framework for an expedited process for the appointment of guardians for adults who are unable to consent to treatment and when no other person is available to consent.

- **Authored By:** Rep. Mary Margaret Oliver of the 83rd
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

HB 973 - Magistrate courts; jurisdictional limit in civil claims; increase

- BILL SUMMARY: This bill raises the limit for claims in magistrate court to \$25,000. The current limit is \$15,000.
- **Authored By:** Rep. Mike Jacobs of the 80th
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

HB 1046 - Family Court Division; project duration determined by Fulton County Superior Court majority; provide

- BILL SUMMARY: The bill removes the sunset provision for The Family Court Division of the Superior Court of Fulton County.

It further provides that the family court division shall continue until a majority of the judges of the Superior Court of Fulton County vote to discontinue it.

- **Authored By:** Rep. Wendell Willard of the 49th
- **Committee Action:** Do Pass

Judiciary

HB 1118 - Child Support Recovery Act; IV-D agency support orders; change provisions

- BILL SUMMARY: This bill amends Article 1 of Chapter 11 of Title 19 to align state law with federal law with respect to child support orders and access to medical insurance coverage for children.

The revisions to the code are necessary to ensure that federal funds continue to be received by the state.

- **Authored By:** Rep. Tom Weldon of the 3rd
- **Committee Action:** Do Pass

Motor Vehicles

HB 1005 - Special license plates; Zoo Atlanta; provide

- BILL SUMMARY: HB 1005 creates specialty license plates to benefit Zoo Atlanta and Alpha Kappa Alpha Sorority Inc.
- **Authored By:** Rep. Katie M. Dempsey of the 13th
- **Committee Action:** Do Pass by Committee Substitute

Motor Vehicles

HB 1224 - Drivers' licenses; defense for drivers; no vision condition restriction; provide

- BILL SUMMARY: HB 1224 provides that a person charged with driving in violation of a restriction requiring that he or she wear eyeglasses or contact lenses, such person shall not be guilty of such offense if he or she presents the trial court with admissible medical or other evidence sufficient to demonstrate to the satisfaction of the trial court that he or she no longer suffers from the vision condition that resulted in the imposition of such restriction.

- **Authored By:** Rep. Mark Hamilton of the 23rd
- **Committee Action:** Do Pass

State Planning & Community Affairs

HB 1260 - Service delivery regions; applicability of regions; revise a provision

- BILL SUMMARY: The Georgia Department of Human Services Divisions of Aging Services is the State Agency on Aging for Georgia. The State Agency on Aging must designate planning and services areas, also known as regional areas, for the state based on requirements set by the federal Older Americans Act in order to receive federal dollars. With that, aging boundaries do not follow state law in determining state service boundaries.

House Bill 1260 clarifies state law that aging program planning and service boundaries are excluded from the state law in this area.

- **Authored By:** Rep. Ron Stephens of the 164th
- **Committee Action:** Do Pass

State Planning & Community Affairs

HR 21 - Counties; provide for re-creation; voter approval - CA

- BILL SUMMARY: House Resolution 21 calls for a statewide referendum to amend the Constitution to allow historically merged counties to be re-created. This pertains to Milton County in north Fulton and Campbell County in south Fulton are the only remaining merged counties.

- **Authored By:** Rep. Jan Jones of the 46th
- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 517 - Revenue and taxation; method of assessing real property; comprehensive revision

- BILL SUMMARY: HB 517 is the implementing bill for House Resolution 1, which proposes to amend the Constitution to cap the rate of increase in values of all real property for ad valorem tax purposes at an aggregate of 9 percent for each three-year period of successive ownership, and the lesser of 3 percent per year or the percent change in the rate of economic inflation on individual taxpayers as determined by the state revenue commissioner. Under the bill, properties are re-assessed at fair market value after being transferred, and the bill provides for what constitutes an assessable transfer of property, which includes conveyances, changes in use based on zoning changes, etc. The bill also provides for procedures for removal of mill caps as the Constitution already authorizes.

- **Authored By:** Rep. Edward Lindsey of the 54th
- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 1139 - Ad valorem tax; notice of changes in taxpayers' returns; change provisions

- BILL SUMMARY: HB 1139 provides that each property tax bill will contain a checkbox that will allow taxpayers to check if they want their bill to serve as a return of the property for the next tax year. If they check the box the taxpayer will fill out a value they believe their property is worth and send the bill to the tax commissioner. This will allow taxpayers to effectuate a return of their property for the next tax year at the time they receive their bill rather than having to wait until January 1 of the next tax year, and which will ensure they have a right to appeal the property value the next year.

- **Authored By:** Rep. James Mills of the 25th
- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 1186 - Ad valorem tax exemption; certain public-private transportation projects; provisions

- BILL SUMMARY: HB 1186 further defines what constitutes "public property" for purposes of the ad valorem tax exemption for public property. It provides that property qualifying as a public private transportation project which is owned or leased by the state, state agency, or other governmental entity and which is developed, operated, or held by a private partner shall constitute "public property" and shall be exempt from ad valorem tax.

- **Authored By:** Rep. Jay Roberts of the 154th
- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 1191 - Encumbered property; recording, payment, and distribution of tax; change provisions

- BILL SUMMARY: HB 1191 relates to the intangible recording tax when the encumbered property lies in more than one county. Currently, the entire tax is paid to the first county in which the filer presents the instrument for recording. The clerk of the first county has no way of determining the appropriate amount of tax to forward to the other counties. Taxpayers must wait to file in the other counties after they receive their first filing back from the clerk. This process results in a delay of several weeks or months as the filing party waits for the instrument to be recorded in each county affected. Under this bill, the filer will pay the tax to the clerk of each county. For purposes of determining the proportional value, the filer may use the county tax assessment. This bill also provides for filing of duplicate original instruments in each county where the secured property being encumbered is located.

- **Authored By:** Rep. Larry O'Neal of the 146th
- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HB 1192 - Real estate transfer tax; property in more than one county; change provisions

- BILL SUMMARY: HB 1192 relates to the real estate transfer tax when the encumbered property lies in more than one county. Currently, the entire tax is paid to the first county in which the filer presents the instrument for recording. The clerk of the first county has no way of determining the appropriate amount of tax to forward to the other counties. Taxpayers must wait to file in the other counties after they receive their first filing back from the clerk. This process results in a delay of several weeks or months as the filing party waits for the instrument to be recorded in each county affected. Under this bill, the filer will pay the tax to the clerk of each county. For purposes of determining the proportional value, the filer may use the county tax assessment. This bill also provides for filing of duplicate original instruments in each county where the secured property being encumbered is located.

- **Authored By:** Rep. Larry O'Neal of the 146th
- **Committee Action:** Do Pass by Committee Substitute

Ways & Means

HR 1 - Real property; residential and nonresidential; freeze valuation - CA

- BILL SUMMARY: HR 1 proposes to amend the Constitution to cap the rate of increase in values of all real property for ad valorem tax purposes. The valuation of real property may only be increased by an aggregate of 9 percent for each three-year period of successive ownership, and shall not exceed from one taxable year to the succeeding taxable year the lesser of 3 percent or the percent change in the rate of economic inflation on individual taxpayers as determined by the state revenue commissioner.

Upon sale or transfer of property, the property will be assessed according to general law. The fair market value of substantial additions or improvements of property shall be added to the capped value. The legislation allows the General Assembly by general law to define what constitutes the sale or transfer of property and for the timing of reassessments as a result of such transfers, and to determine other occurrences which may require a revaluation, including re-zoning of property.

This cap will be implemented in each county and the taxing jurisdictions within such county following approval in a local referendum that shall be held on the Tuesday after the first Monday in November, 2012, or sooner if a special election is called earlier. If more than half the votes approve the cap, then it shall become of full force and effect in that county and the taxing jurisdictions within on January 1, 2013. If the referendum is not approved, the General Assembly is authorized by local law to resubmit the question.

This cap on assessment increases will not apply to a local taxing jurisdiction that already has a local constitutional amendment freezing values or capping millage increases, unless such property tax control is repealed.

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

Monday, March 15, 2010

1:00 PM - 3:00 PM	<u>Lane Subcommittee of Judiciary Civil</u>	132 CAP
2:00 PM - 3:30 PM	<u>APPROPRIATIONS</u>	341 CAP
3:00 PM - 5:00 PM	<u>Jacobs Subcommittee of Judiciary Civil</u>	132 CAP
3:00 PM - 5:00 PM	<u>Ramsey Subcommittee of Judiciary Non-Civil</u>	132 CAP

Tuesday, March 16, 2010

8:00 AM - 9:00 AM	<u>JOINT AGRICULTURE & CONSUMER AFFAIRS</u>	403 CAP
1:00 PM - 3:00 PM	<u>Setzler Subcommittee of Judiciary Non-Civil</u>	415 CLOB
3:00 PM - 4:00 PM	<u>INSURANCE</u>	506 CLOB
4:00 PM - 4:30 PM	<u>INFORMATION & AUDITS</u>	515 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 and click on House Meetings. To view the live stream of these meetings, please visit the Georgia Legislative Network.*