

OFFICE OF COMMITTEE SERVICES

609 Coverdell Legislative Office Bldg.
(404) 656-0305 Phone
(404) 656-5630 Fax

TOMORROW'S FORECAST

- * The House will reconvene for its 27th Legislative Day on Thursday, March 18, at 01:00 PM.
- * 9 bills are expected to be debated on the floor.

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

Wednesday, March 17, 2010

26th Legislative Day

TODAY ON THE FLOOR**RULES CALENDAR****HB 24 - Evidence; revise, supersede, and modernize provisions; provide definitions**

- BILL SUMMARY: This is an update and rewrite of Georgia's Evidence Code (Title 24). The bill is the result of a State Bar Study Committee, which began in 2005, a joint House/Senate Study Committee that met once weekly over the 2008 interim from July through November, a number of meetings with interested parties to discuss concerns with the version of the bill that passed the Judiciary Civil Committee during the 2009 Session, and a full Judiciary Civil Committee meeting. This bill largely adopts the Federal Rules of Evidence to the extent that the interpretation is consistent with the Georgia Constitution, and brings Georgia in line with 42 other states that have similarly adopted a version of the Federal Rules of Evidence.

- **Authored By:** Rep. Wendell Willard of the 49th
- **House Committee:** Judiciary
- **Rule:** Modified-Open
- **Yeas:** 150; **Nays:** 12

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
- **House Committee:** Transportation
- **Rule:** Open
- **Yeas:** 155; **Nays:** 0

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
- **House Committee:** Motor Vehicles
- **Rule:** Modified-Open
- **Yeas:** 156; **Nays:** 2

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
- **House Committee:** Judiciary
- **Rule:** Modified-Open
- **Yeas:** 154; **Nays:** 2

HB 1060 - Georgia Ports Authority; comprehensive revisions; provide

- BILL SUMMARY: HB 1060 allows the Georgia Ports Authority to obtain its own credit rating instead of using a bank credit facility (such as a letter of credit). Last May, a large portion of GPA's revenue bonds failed to remarket due to a major bank credit rating downgrade.

Under the bill, GPA must get approval from the Georgia State Financing and Investment Commission prior to issuing any bonds and financial plans are reviewed by the GSFIC staff, the state's financial advisor. Under current law, GPA's revenue bonds are not State debt and are not a pledge of the State's faith and credit, and no GPA bondholder can enforce payment against the State. GPA can use bond proceeds only for capital projects – no operating expenses are paid from bond funds. Also in the bill the definition of "project" is clarified to include cranes, cargo handling equipment, and other equipment currently used by the Authority.

- **Authored By:** Rep. Ron Stephens of the 164th
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 158; **Nays:** 1

HB 1082 - Ad valorem tax exemptions; freeport exemptions; revise provisions

- BILL SUMMARY: HB 1082 expands the current Freeport inventory exemption. It allows local governments to hold a local referendum to exempt inventory of finished goods. Currently the Freeport exemption only applies to inventory for final destination outside Georgia or inventory in the process of manufacture or production. This bill creates a "Level Two" Freeport exemption that would include all inventory of a business not otherwise qualified for the current, or "level 1" Freeport exemption. The county or city may exempt 20, 40, 60, 80, or 100% of such inventory, subject to local referendum. This level two Freeport may be granted either in lieu of or in addition to the current "level one" Freeport exemption.

- **Authored By:** Rep. Jay Powell of the 171st
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 151; **Nays:** 4

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

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

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

- **Authored By:** Rep. David Knight of the 126th
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 160; **Nays:** 2

HB 1106 - Animal protection; shelters scan for microchips prior to euthanasia; provisions

- BILL SUMMARY: HB 1106 requires that all animals brought into a shelter be scanned universal microchip reader within 24 hours, or as soon as possible, prior to euthanizing any dog, cat, or other large animal traditionally kept as household pets.

- **Authored By:** Rep. Gene Maddox of the 172nd
- **House Committee:** Agriculture & Consumer Affairs
- **Rule:** Modified-Structured
- **Yeas:** 150; **Nays:** 0

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
- **House Committee:** Judiciary
- **Rule:** Modified-Structured
- **Yeas:** 154; **Nays:** 2

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
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 139; **Nays:** 16

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
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 154; **Nays:** 0

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
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 159; **Nays:** 0

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
- **House Committee:** Motor Vehicles
- **Rule:** Modified-Open
- **Yeas:** 154; **Nays:** 0

HB 1237 - Retirement; Title 47; correct errors and omissions of the Official Code of Georgia Annotated

- BILL SUMMARY: This bills corrects typographical and other errors within Title 47 of the O.C.G.A. relating to retirement and pensions
- **Authored By:** Rep. Wendell Willard of the 49th
- **House Committee:** Retirement
- **Rule:** Modified-Open
- **Yeas:** 159; **Nays:** 0

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
- **House Committee:** Budget and Fiscal Affairs Oversight
- **Rule:** Modified-Open
- **Yeas:** 160; **Nays:** 2

HR 1106 - Congress of the United States; Honor and Remember Flag designation; urge

- BILL SUMMARY: This resolution urges congress to adopt Honor and Remember Flag as the national symbol for service members who have fallen in service to our country.
- **Authored By:** Rep. Larry O`Neal of the 146th
- **House Committee:** Defense & Veterans Affairs
- **Rule:** Open
- **Yeas:** 159; **Nays:** 0

LOCAL CALENDAR

HB 1346 - Henry County; require board member to resign if stand for other election; repeal provisions

- BILL SUMMARY: A Bill to repeal the Act which requires a member of the Henry County Board of Commissioners to resign when standing for another election office.
- **Authored By:** Rep. John Lunsford of the 110th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 157; **Nays:** 0

HB 1347 - Henry County; Redevelopment Powers Law; authorize

- BILL SUMMARY: A Bill to authorize Henry County to exercise all redevelopment powers as permitted under the State Constitution and the Redevelopment Powers Law pending a local referendum to approve the authorization.
- **Authored By:** Rep. Rahn Mayo of the 91st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 144; **Nays:** 1

HB 1349 - Roswell, City of; Redevelopment Powers Law; authorize

- BILL SUMMARY: A Bill to authorize the City of Roswell to exercise all redevelopment powers as permitted under the State Constitution and the Redevelopment Powers Law pending a local referendum to approve the authorization.
- **Authored By:** Rep. Harry Geisinger of the 48th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 157; **Nays:** 0

HB 1353 - White County Building Authority Act; enact

- BILL SUMMARY: A Bill to create the White County Building Authority and to provide for its powers and duties.
- **Authored By:** Rep. Doug Collins of the 27th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 157; **Nays:** 0

HB 1362 - Alma, City of; change certain charter provisions

- BILL SUMMARY: A Bill to reapportion the council districts in the City of Alma.
- **Authored By:** Rep. Tommy Smith of the 168th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** N/A; **Nays:** N/A

NOTES

HB 982 and HB 1188 had "Motions to Reconsider" fail today on the floor, so they will now be transmitted to the Senate.

** The House will reconvene Thursday, March 18, at 1:00 PM, for its 27th Legislative Day*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 27th Legislative Day, Thursday, March 18, and bills may be called at the pleasure of the Speaker.

TOMORROW ON THE FLOOR

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 or by a dealer of such manufacturer.
- **Authored By:** Rep. Paul Battles of the 15th
- **House Committee:** Education
- **House Committee Passed:** 3/11/2010
- **Rule:** Modified-Open

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
- **House Committee:** Health & Human Services
- **House Committee Passed:** 3/11/2010
- **Rule:** Modified-Open

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
- **House Committee:** Motor Vehicles
- **House Committee Passed:** 3/11/2010
- **Rule:** Modified-Structured

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

HB 1090 - Parks; Georgia Agrirama Development Authority; abolish; provide successor

- BILL SUMMARY: HB 1090 abolishes the Georgia Agrirama Development Authority and provides that Abraham Baldwin Agricultural College (ABAC) shall be the successor to such authority and shall continue all functions of the authority without interruption. Further, it provides for an assumption of assets and liabilities by ABAC.

- **Authored By:** Rep. Austin Scott of the 153rd
- **House Committee:** Governmental Affairs
- **House Committee Passed:** 3/10/2010
- **Rule:** Modified-Structured

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
- **House Committee:** Health & Human Services
- **House Committee Passed:** 3/11/2010
- **Rule:** Modified-Open

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
- **House Committee:** Judiciary Non-Civil
- **House Committee Passed:** 3/8/2010
- **Rule:** Modified-Open

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
- **House Committee:** State Planning & Community Affairs
- **House Committee Passed:** 3/11/2010
- **Rule:** Open

SB 370 - Water; examine practices, programs, policies; develop programs for voluntary water conservation; reports of measurable progress

- BILL SUMMARY: This bill seeks to create a "culture of water conservation" in Georgia through a combination of incentives and mandates. Similar legislation to HB 1094.

- **Authored By:** Sen. Ross Tolleson of the 20th
- **House Committee:** Rules
- **House Committee Passed:** 3/16/2010
- **Rule:** Modified-Structured

** The Rules Committee will next meet on Thursday, March 18, at 10:00 AM, to set the Rules Calendar for the 28th Legislative Day.*

COMMITTEE ACTION REPORT

Agriculture & Consumer Affairs

HB 1196 - Buildings; no building code require fire sprinklers in single-family dwelling; provide

- BILL SUMMARY: HB 1196 states that neither the state building code nor any building code adopted by a political subdivision of the state shall include a requirement that fire sprinklers be installed in a single-family dwelling or a residential building that contains no more than two dwelling units.
- **Authored By:** Rep. Terry England of the 108th
- **Committee Action:** Do Pass by Committee Substitute

Appropriations

HB 1074 - Public Safety, Department of; Capitol Police Division; create; provisions

- BILL SUMMARY: Modifies the designation of capitol square to match existing street and geographical boundaries 2) transfers the Georgia Building Authority police and their law enforcement duties relating to capitol hill from the GBA to the Dept of Public Safety, 3) creates the dept of public safety a division known as the capitol police
- **Authored By:** Rep. John Meadows of the 5th
- **Committee Action:** Do Pass

Appropriations

HB 1321 - Emergency Telephone System Fund; additional use for moneys; provide

- BILL SUMMARY: This bill authorizes a county that has a fully enhanced 911 system and has fully funded its 911 operations from the \$1.50, 911 fee to use any remaining fee revenue to upgrade their public radio system. The term fully enhanced relates to systems that are able to identify the exact location of all wireless and landline carriers.
- **Authored By:** Rep. Ben Harbin of the 118th
- **Committee Action:** Do Pass

Code Revision

HB 1165 - Sunset revisions; repeal automatic expiration; provisions

- BILL SUMMARY: This bill revises the section of the code dealing with motorcycle enforcement units and repeals the sunset provision that was contained in the bill when the motorcycle enforcement unit was created.
- **Authored By:** Rep. Jill Chambers of the 81st
- **Committee Action:** Do Pass by Committee Substitute

Game, Fish, & Parks

HB 1000 - Seasons and bag limits; bears; change limits

- BILL SUMMARY: This bill provides for four changes to the State Code. 1) It makes it unlawful to possess any fresh-water turtle except a fresh-water turtle obtained from a private pond with the consent of the owner of such pond. It shall be unlawful to transport, farm, or sell any fresh-water turtle or their eggs, except as authorized by the Department of Natural Resources. 2) It allows youth under the age of 16 to hunt deer with any legal firearm for hunting during primitive weapon hunts or primitive weapons seasons. 3) It increases the bag limit on hunting bear in Georgia from 1 to 3 bear per year. Up to two bear per managed hunt may be allowed on wildlife management areas without complying with the statewide bag limit. It will also legalize the hunting of bear less than 75 pounds. 4) It allows the Department of Natural Resources to regulate the application for a wildlife fertility control permit. Any person who violates any provision in the article shall be guilty of a misdemeanor and fined no less than \$1,500 and no more than \$5,000, imprisonment not exceeding 12 months, or both such fine and imprisonment.
- **Authored By:** Rep. Stephen Allison of the 8th
- **Committee Action:** Do Pass by Committee Substitute

Governmental Affairs

HB 1166 - Campaign contributions; person of an insurance corporation; not make contribution; provisions

- BILL SUMMARY: HB 1166 provides that no one acting on behalf of a corporation, partnership, or business regulated by the Insurance Commissioner nor any officer or director of said company can make, directly or indirectly, any contribution to a campaign for such office or to the campaign being conducted by an incumbent Commissioner of Insurance. Violation of this prohibition will constitute a felony punishable by 1 to 5 years in prison and/or a fine not to exceed \$5,000.

Further, this bill requires the Commissioner of Insurance to disclose any gift exceeding an aggregate value of \$100 to the State Ethics Commission.

- **Authored By:** Rep. Austin Scott of the 153rd
- **Committee Action:** Do Pass by Committee Substitute

Governmental Affairs

HB 1233 - Georgia Public Service Commission; certain costs charged to involved utility; provisions

- BILL SUMMARY: HB 1233 changes how expert witnesses are funded in public utility rate cases held before the Georgia Public Service Commission. Currently, these witnesses are funded from the state treasury. Under HB 1233, witnesses would be paid by the utility bringing the rate case. They would then recoup their cost from their rate payers.

- **Authored By:** Rep. John Lunsford of the 110th
- **Committee Action:** Do Pass by Committee Substitute

Governmental Affairs

HB 1253 - Georgia Election Code; general elections held in years specified by law; provide

- BILL SUMMARY: HB 1253 provides that general municipal elections may be held in such years as are specified by local law. Under current law, they are only held on the Tuesday next following the first Monday in November in each odd-numbered year.

- **Authored By:** Rep. Lee Anderson of the 117th
- **Committee Action:** Do Pass

Governmental Affairs

HB 1297 - Qualification fees; nominally increase; provide

- BILL SUMMARY: HB 1297 adds an additional \$75.00 to the qualifying fee paid by candidates for public office for each year of the term of service. The intent is for this revenue to be appropriated from the General Fund to the State Ethics Commission.

- **Authored By:** Rep. Joe Wilkinson of the 52nd
- **Committee Action:** Do Pass by Committee Substitute

Governmental Affairs

HB 1324 - Mental health; Department of Behavioral Health and Developmental Disabilities; revise provisions

- BILL SUMMARY: HB 1324 is a housekeeping bill for the Department of Behavioral Health and Developmental Disabilities.

- **Authored By:** Rep. Mark Butler of the 18th
- **Committee Action:** Do Pass

Health & Human Services

HB 853 - Tanning Facilities Regulation Act; enact

- BILL SUMMARY: This legislation would require that all tanning bed facilities register with the state. The tanning salons must post a warning that is contained within the legislation, a button that summons outside help must be available for the user, and that the tanning beds must be cleaned after every use.

- **Authored By:** Rep. Karla Drenner of the 86th
- **Committee Action:** Do Pass by Committee Substitute

Health & Human Services

HB 1061 - Trauma Care Expansion Act of 2010; enact

- BILL SUMMARY: This legislation allows for hospitals who chose to join the Trauma Network as either a level 1 or 2 Trauma center and make a minimum commitment of 10 years, the hospital is then exempted from the CON process. Each additional CON service that the hospital begins after the initial period results in an increase of two and a half years added to the commitment. If a hospital fails to meet the time commitment, the hospital would then have to comply with CON law and apply for that service.

- **Authored By:** Rep. Mark Butler of the 18th

- **Committee Action:** Do Pass

Health & Human Services

HB 1310 - Brain and Spinal Injury Trust Commission; may solicit funds; provide

- BILL SUMMARY: This legislation would allow the Brain and Spinal Injury Trust Commission to not only accept grants, as is current law, but that the Commission would be able to solicit for these funds.

- **Authored By:** . E. Culver "Rusty" Kidd of the 141st

- **Committee Action:** Do Pass

Health & Human Services

HB 1314 - Georgia Council on Developmental Disabilities; regulate developmental accounts; provisions

- BILL SUMMARY: This legislation would allow for persons with disabilities who meet certain qualifications to open savings accounts with a fiduciary organization that in turn will match any of those funds contributed by the disabled person. The match may be any where from one to one or five to one. Money that is contained within these individual development accounts can only be used for specific items, and if the account holder misuses the account, they can be removed from the program. The Georgia Council on Developmental Disabilities will make rules and regulations as to the criteria for fiduciary entities.

- **Authored By:** Rep. Donna Sheldon of the 105th

- **Committee Action:** Do Pass

Health & Human Services

HB 1407 - Medicaid and PeachCare for Kids; single administrator for dental services; provisions

- BILL SUMMARY: This legislation would require the Department of Community Health to competitively bid out dental services a single administrator, changing the current standard that place medical and dental coverage into the care management organization for the state's Medicaid and Peachcare populations.

- **Authored By:** Rep. Carl Rogers of the 26th

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

Information and Audits

HB 831 - State auditor; certain state or local government entities' failure to perform audits required by law; provide for effects

- BILL SUMMARY: House Bill 831 relates to the state auditor and their authority to make sure that a political subdivision of the state or local government authority completes their audit. Each political entity will enter into a contract with an independent auditor no later than 180 days following the end of the fiscal year. The entity can request an extension no more than 60 days due to an extenuating circumstance beyond their control. If the entity does not enter into a contact in the specified time the state auditor will enter into a contract with an independent auditor to perform the audit and the entity. The Department of Revenue will withhold the amount equal to the 150 % of the cost of the audit. Out of the fund withheld 50% of the money will be transferred to the state treasury as a penalty.

- **Authored By:** Rep. Chuck Sims of the 169th

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

Judiciary Non-Civil

HB 31 - Motor vehicles; traffic-control signal monitoring devices; repeal provisions

- **BILL SUMMARY:** This bill addresses citations issued when a vehicle is photographed or video taped in violation of a red light signal. The included statement of the inference under which the citation is issued shall be in such a format that the recipient can check off one of the methods to rebut the inference and return a notarized statement to the law enforcement agency. The statement shall also contain a provision notifying the recipient of the citation that knowingly and willfully making a false statement is a misdemeanor offense.

In addition to the current methods available to rebut the evidence that the owner operated the vehicle in violation of this section a new one has been added: Submit to the court a notarized statement that he or she was operating the vehicle as part of a funeral procession at the time of the alleged violation and provide the name of the deceased individual.

- **Authored By:** Rep. Barry Loudermilk of the 14th

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

Judiciary Non-Civil

HB 567 - Crime Victims' Bill of Rights; rights of crime victims; change certain provisions

- **BILL SUMMARY:** This bill enhances and strengthens Georgia's laws as they relate to crime victims. Many of the changes relate to what is known as the "Crime Victims' Bill of Rights."

Sections 1 through 3 clarify the rights of victims when the juvenile courts have jurisdiction over the action (i.e. the perpetrator is a juvenile).

Section 4 specifies that when persons are convicted of certain offenses the court has the duty to inquire as to whether the victims have been notified as to the presentence hearing, to ensure reasonable attempts have been made to contact victims, and to recess to ensure the opportunity for the victim to be heard.

Section 5 provides that if restitution is due a victim the amount will be determined at sentencing.

Section 6 enumerates the rights contained within the "Crime Victims' Bill of Rights."

Section 7 provides definitions and cleans up language.

Section 8 clarifies the circumstances under which a victim shall be entitled to notification of certain events pertaining to the accused.

Section 9 provides that if the accused is committed to the Department of Behavioral Health and Developmental Disabilities, the victim will be given notice upon his or her release, discharge, escape, readmission, and other such events.

Section 10 provides a duty to give notice to victims regarding restitution and, if restitution is sought, how the process should play out.

Section 11 specifies the circumstances and procedures by which a victim may be interviewed by the accused.

Section 12 provides that the victim may be present at all proceedings where the accused has a right to be present.

Section 13 clarifies what communications will be considered attorney work product.

Section 14 relates to notification to victims of an accused's motion for new trial or appeal, release on bail or recognizance, appellate proceedings, and outcome of the appeal.

Section 15 provides the method for a victim to request mail from an inmate be blocked.

Section 16 entitles the victim of a criminal offense to be present in any court exercising jurisdiction over such offense.

- **Authored By:** Rep. Don Parsons of the 42nd

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

Judiciary Non-Civil

HB 1133 - Pretrial intervention and diversion programs; administration fees; increase

- **BILL SUMMARY:** The bill raises the ceiling for fees for administration of Pretrial Intervention and Diversion Programs to \$1,000 (the current maximum is \$300). The bill further provides that the fee may be waived in part or in whole or made payable in monthly increments upon showing of good cause to the prosecuting attorney.

- **Authored By:** Rep. John Lunsford of the 110th

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

Judiciary Non-Civil

HB 1153 - Public health and morals; offense of cruelty to animals; change provisions

- BILL SUMMARY: This bill addresses a number of concerns with the language and applicability of the Animal Protection Act of 2000.

Major changes include:

1 – Removes ‘willful’ and defines ‘neglect’ as the ‘failure to provide necessary food and water required by the animal to prevent starvation or dehydration or necessary shelter and ventilation to the extent that the health of the animal is endangered.’

2 – For cruelty to animal the bill adds an offense for those having ‘care or control’ of the animal.

3 – For aggravated cruelty to animal the bill removes the provision that the act be done ‘maliciously.’

4 – Changes the offense of aggravated cruelty to animal to include torture.

The bill preserves the language in the current code that exempts conduct related to agriculture, hunting, fishing, animal husbandry, pest control, protecting property and persons from animals, and accidental events. It also adds a new exception for training techniques or practices not otherwise specifically prohibited by law.

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

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

Judiciary Non-Civil

HB 1328 - Courts; adjust certain fees for inflation; provisions

- BILL SUMMARY: This bill adjusts court fees to account for inflation and repeals fees that are obsolete.

- **Authored By:** Rep. Roger B. Lane of the 167th

- **Committee Action:** Do Pass

Motor Vehicles

HB 1231 - Uniform rules of the road; proper execution of a left turn; clarify

- BILL SUMMARY: HB 1231 addresses vagueness within the "Uniform Rules of the Road" dealing with left hand turns. Specifically, it requires when turning left and exiting an intersection you must maintain your lane position as you enter the new road.

- **Authored By:** Rep. Bobby C Reese of the 98th

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

Motor Vehicles

HB 1404 - Motor vehicles; taxicab and limousine; registration and titling; provisions

- BILL SUMMARY: HB 1404 clarifies the definition of Limousine and Taxicab within the code. Further, it provides that if you acquire a motor vehicle you must register it with the Department of Revenue (DOR) within seven business days. HB 1404 also changes the administration of the GEICS system from the Department of Drivers Services (DDS) to the DOR. Finally, this bill allows for the electronic transmission of Titles for lien holders rather than having to have a printed paper Title.

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

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

Regulated Industries

HB 863 - Charitable solicitations; accounting; revise certain provisions

- BILL SUMMARY: This bill requires the paid solicitors for charitable organizations to file additional information with the Secretary of State with respect to contributions other than monetary donations and securities. It also defines the term “collection receptacle” as an unattended container that is used for the purpose of collecting donations of clothing, books, personal or household items or other goods with the exception of monetary donations. It further requires the collection receptacle to display certain information about the owner and the operator of that receptacle as well as a statement, which specifies whether the receptacles are operated by for-profit or nonprofit organizations and whether the donations are made for charitable, partially charitable or not for charitable purposes.

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

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

Regulated Industries

HB 1269 - Alcoholic beverages; caffeinated alcoholic beverages; prohibit

- BILL SUMMARY: This bill prohibits selling and purchasing caffeinated alcoholic beverages in this state and defines a caffeinated alcoholic beverage as a beverage presealed in an individually serving container containing caffeine and at least 0.5% of alcohol by volume.

- **Authored By:** Rep. Jay Shaw of the 176th

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

Regulated Industries

HB 1350 - Alcoholic beverages; filing of bonds with license renewal applications; change provisions

- BILL SUMMARY: This bill requires an annual occupational license tax levied on those involved in the production, sale and distribution of distilled spirits, malt beverages, beer and wine pursuant to Title 3 of O.C.G.A. to be paid for each place of business operated. It further requires the licensee to begin paying such tax to the commissioner when the licensee assumes control of the place of business and applies for any beverage alcohol license. This bill also provides a date by which taxes must be paid for distilled spirits sold by the package or disposed of by wholesale dealers. In addition, it declares the distilled spirits that were acquired from a person other than an authorized wholesale dealer and are possessed, sold or offered for sale by a retail dealer or a retail consumption dealer to be contraband and are required to be seized and disposed of by the commissioner.

- **Authored By:** Rep. Roger Williams of the 4th

- **Committee Action:** Do Pass

Retirement

HB 817 - Georgia Judicial Retirement System; juvenile judges; provide

- BILL SUMMARY: This bill allows any Juvenile Court Judge that was previously a member of the Employees' Retirement System (ERS) to transfer ERS employee and employer contributions to JRS by December 31, 2010, or within 90 days of first becoming a member of JRS.

Currently, any new JRS member that is a Superior Court Judge, State Court Judge, Solicitor General, or District Attorney who was previously an active member of ERS may elect to have all of their ERS contributions transferred to JRS within 90 days first becoming a member of JRS by notifying the Board of Trustees.

If the member has not withdrawn his/her employee contributions from ERS, the Board of Trustees must transfer all employee and employer contributions from ERS and place them in JRS and the member must pay regular interest thereon.

If the member has withdrawn his/her employee contributions from ERS, member must provide notice to the Board of Trustees requesting a transfer to JRS. At that time, the member must pay the Board the total of such contributions, with regular interest thereon, and employee and employer contributions from ERS will be transferred to JRS.

There will be no cost to ERS or JRS upon passage of this legislation.

This bill would be a change to JRS, as it allows Juvenile Court Judges to transfer prior ERS contributions to JRS, whereas only Superior Court Judges, State Court Judges, Solicitors' General, and District Attorneys' are now allowed to transfer within 90 days of first becoming a member of JRS.

Prior Legislation allowed any Superior Court Judge, State Court Judge, Solicitor General, or District Attorney who was a member of JRS and was previously an active member of ERS to elect to have all of their ERS contributions transferred to JRS with a sunset date of December 31, 2002.

- **Authored By:** Rep. Glenn Baker of the 78th

- **Committee Action:** Do Pass

Science and Technology

HB 281 - Georgia Virtual School Opportunity and Enrichment Act; enact

- BILL SUMMARY: Permits a public school to allow a non-enrolled public school student to participate in any extracurricular activity offered or conducted by such public school located in his or her attendance zone in the same manner as any student currently enrolled in that school. Final approval for such participation (of a student) resides in the discretion of the principal in accordance with local board policies, or in accordance with State Board of Education or Georgia Charter Schools Commission policies, for, respectively, a state-chartered special school or a commission charter school. To be eligible to participate in an extracurricular activity under these provisions, a non-enrolled public school student must maintain at his or her school of attendance compliance with all academic/nonacademic rules and requirements governing participation in such extracurricular activity at the public school.

A "non-enrolled public school students" is defined as a K-12 public school student who resides within the attendance zone of a school but is not enrolled at that school. "Public school" is defined as one including, without limitation, a local charter school, a state-chartered special school, and a commission charter school.

- **Authored By:** Rep. Len Walker of the 107th

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

State Institutions & Property

HB 1363 - Georgia Building Authority; adopt master plan for Capital Square; require

- BILL SUMMARY: Requires the Georgia Building Authority to develop a master plan for the Capitol Square area
- **Authored By:** Rep. Terry Barnard of the 166th
- **Committee Action:** Do Pass

State Institutions & Property

HR 1588 - State of Georgia property; certain counties; nonexclusive easements; authorize

- BILL SUMMARY: Authorizes the granting of easements over state owned properties in 23 counties
- **Authored By:** Rep. Terry Barnard of the 166th
- **Committee Action:** Do Pass

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



COMMITTEE MEETING SCHEDULE

Thursday, March 18, 2010

8:00 AM - 9:30 AM	<u>NATURAL RESOURCES & ENVIRONMENT</u>	406 CLOB
8:00 AM - 9:00 AM	<u>INDUSTRIAL RELATIONS</u>	606 CLOB
8:00 AM - 11:00 AM	<u>Setzler Subcommittee of Judiciary Non-Civil</u>	403 CAP
8:00 AM - 9:00 AM	<u>LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT</u>	506 CLOB-CANCELED
8:00 AM - 9:30 AM	<u>Lane Subcommittee of Judiciary Civil</u>	415 CLOB
8:00 AM - 8:30 AM	<u>Income Tax Subcommittee of Ways & Means</u>	133 CAP
8:00 AM - 9:00 AM	<u>Public Safety Subcommittee</u>	506 CLOB
8:30 AM - 9:00 AM	<u>Ad Valorem Subcommittee of Ways & Means</u>	133 CAP
9:00 AM - 10:00 AM	<u>Academic Support Subcommittee of Education</u>	506 CLOB
9:00 AM - 10:00 AM	<u>Public Finance & Policy Subcommittee of Ways & Means</u>	133 CAP
9:00 AM - 11:00 AM	<u>AGRICULTURE & CONSUMER AFFAIRS</u>	515 CLOB
9:00 AM - 11:00 AM	<u>TRANSPORTATION</u>	606 CLOB
9:30 AM - 10:30 AM	<u>ENERGY, UTILITIES & TELECOMMUNICATIONS</u>	415 CLOB
10:00 AM - 12:00 PM	<u>EDUCATION</u>	506 CLOB
10:00 AM - 11:00 AM	<u>RULES</u>	341 CAP
10:00 AM - 12:00 PM	<u>WAYS & MEANS</u>	406 CLOB
11:00 AM - 12:00 PM	<u>DEFENSE & VETERANS AFFAIRS</u>	415 CLOB
11:00 AM - 12:00 PM	<u>PUBLIC SAFETY & HOMELAND SECURITY</u>	606 CLOB
11:00 AM - 1:00 PM	<u>Ramsey Subcommittee of Judiciary Non-Civil</u>	132 CAP
11:00 AM - 12:00 PM	<u>CHILDREN & YOUTH</u>	403 CAP
11:00 AM - 12:30 PM	<u>SMALL BUSINESS DEVELOPMENT & JOB CREATION</u>	515 CLOB

Friday, March 19, 2010

9:30 AM - 12:30 PM	<u>JUDICIARY NON-CIVIL</u>	132 CAP
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* This broadcast schedule is up to date at the time of this report, but meetings dates and times are subject to change. To keep up with the latest schedule please visit the General Assembly website www.legis.ga.gov and click on House Meetings. To view the live stream of these meetings, please visit the Georgia Legislative Network.