

OFFICE OF COMMITTEE SERVICES

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TOMORROW'S FORECAST

- * The House will reconvene for its 34th Legislative Day on Monday, April 12, at 2:00 PM.
- * 5 bills are expected to be debated on the floor.

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

Thursday, April 1, 2010

33rd Legislative Day

TODAY ON THE FLOOR**RULES CALENDAR****SB 206 - Governor; require tax expenditure reviews as part of budget report; provide for definition**

- **BILL SUMMARY:** This bill requires that the Department of Audits and Accounts prepare a tax expenditure review for the state, and provide such to the Office of Planning and Budget to be included as part of the budget report. The report must detail for each tax expenditure item the amount of tax revenue foregone for a three-year period, including the period covered in the Governor's budget submitted in the preceding January, the current budget, and an estimate of the following year. It will also include the citation of the statutory or other legal authority and the year it was enacted or became effective. The Department of Revenue will be responsible for tracking, compiling, and transferring of said expenditure information to the Department of Audits and Accounts. In the event that required tax expenditure information cannot be accurately determined, the Department of Revenue is authorized to provide estimations.

- **Authored By:** Sen. Greg Goggans of the 7th

- **House Committee:** Appropriations

- **Rule:** Modified-Structured

- **Yeas:** 158; **Nays:** 0

- *This bill passed as a House Committee Substitute thus will return to the Senate for Agreement or Disagreement to the substitute*

NOTES

* **HB 374 was postponed for debate until the next legislative day**

LOCAL CALENDAR**HB 1470 - Henry County; levy excise tax; authorize**

- **BILL SUMMARY:** A Bill to authorize Henry County to levy a hotel/motel tax.

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

- **House Committee:** Intragovernmental Coordination - Local

- **Rule:** Open

- **Yeas:** 155; **Nays:** 1

HB 1478 - Dexter, town of; municipal corporate limits; change

- **BILL SUMMARY:** A Bill to change the corporate limits of the Town of Dexter.

- **Authored By:** Rep. DuBose Porter of the 143rd

- **House Committee:** Intragovernmental Coordination - Local

- **Rule:** Open

- **Yeas:** 155; **Nays:** 1

HB 1480 - Clinch County; composition and election of governing authority; change

- BILL SUMMARY: A Bill to provide a referendum in Clinch County to determine whether to abolish the position of county-wide elected chairperson of the Clinch County Board of Commissioners and replace it with a five-member board elected by district.
- **Authored By:** Rep. Jay Shaw of the 176th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 1

HB 1482 - Stockbridge, City of; councilmember elections; advisory referendum; provide

- BILL SUMMARY: A Bill to provide a referendum in the City of Stockbridge to determine whether the councilmembers should continue to be elected at-large or from a combination of single-member and at-large districts.
- **Authored By:** Rep. Steve Davis of the 109th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 1

** The House will reconvene Monday, April 12, at 2:00 PM, for its 34th Legislative Day*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 34th Legislative Day, Monday, April 12, and bills may be called at the pleasure of the Speaker.

NEXT ON THE FLOOR

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
- **House Committee:** Health & Human Services
- **House Committee Passed:** 3/31/2010
- **Rule:** Open

SB 353 - Controlled Substances; Schedule I, II, IV, and V; definition of "dangerous drug"; provisions

- BILL SUMMARY: SB 353 amends 16-13 to classify new drugs into their respective schedules, as well reclassify certain drugs to different schedules. This is the annual drug list update bill.
- **Authored By:** Sen. Earl "Buddy" Carter of the 1st
- **House Committee:** Health & Human Services
- **House Committee Passed:** 3/31/2010
- **Rule:** Modified-Structured

SB 436 - Retirement; repeal certain obsolete and inoperative provisions

- BILL SUMMARY: This bill repeals certain obsolete and inoperative provisions from Title 47.
- **Authored By:** Sen. Bill Heath of the 31st
- **House Committee:** Retirement
- **House Committee Passed:** 3/31/2010
- **Rule:** Modified-Open

SB 455 - State Properties Code; modifying certain provisions; acquiring real property through commission

- BILL SUMMARY: This bill amends Title 50, Chapter 16 relating to the acquisition of real property through the State Properties Commission. The bill clarifies current language of code section 50-16-38, clarifying the amount of real property acquisitions requiring SPC approval, and increases the efficiency with which the SPC can provide executed deeds to local governments who need them to clear titles.
- **Authored By:** Sen. Johnny Grant of the 25th

- **House Committee:** State Institutions & Property
- **House Committee Passed:** 3/31/2010
- **Rule:** Modified-Open

SR 1083 - Public Property; conveyance; 11 counties

- **BILL SUMMARY:** This Resolution authorizes the State of Georgia, acting through its State Properties Commission to convey certain State owned properties.
- **Authored By:** Sen. Johnny Grant of the 25th
- **House Committee:** State Institutions & Property
- **House Committee Passed:** 3/31/2010
- **Rule:** Modified-Open

COMMITTEE ACTION REPORT

Energy, Utilities & Telecommunications

SB 432 - "Advanced Broadband Collocation Act"; provide procedures; modification/collocation of wireless communication facilities

- **BILL SUMMARY:** This legislation provides procedural guidelines for the process in which local governments review applications for the modification or collocation of wireless communication facilities. The term collocation is defined as the process of placing or installing new wireless facilities on previously existing wireless support structures, negating the need for entirely new construction. Proposed collocations may not alter the existing structure by increasing the overall height or width, exceeding applicable weight limits, or increasing the dimensions previously approved by the local governing authority. Local governing authorities will have 90 days to determine approval on each collocation or modification application. The technical, business, or service characteristics of a proposed wireless facility are not subject to review in the approval process.
- **Authored By:** Sen. Lee Hawkins of the 49th
- **Committee Action:** Do Pass

Governmental Affairs

HR 1822 - Attorney General Thurbert Baker; challenge federal health care reform legislation; urge

- **BILL SUMMARY:** HR 1822 is a resolution urging Attorney General Thurbert Baker to join with other state attorneys general from around the nation in mounting a legal challenge to the constitutionality of the recently enacted federal health care reform legislation.
- **Authored By:** Rep. Timothy Bearden of the 68th
- **Committee Action:** Do Pass

Governmental Affairs

SB 447 - State; preference to in-state materialmen, contractors, builders, when preference does not impair quality and cost considerations

- **BILL SUMMARY:** The provisions of SB 447 seek to discourage other states from adopting laws that give preference to in-state contractors, contracting with their state agencies, to the competitive disadvantage of Georgia contractors and vendors. To this end, SB 447 has three main provisions.

The first provision establishes a new definition for a Georgia resident business to be any business that regularly maintains a place from which business is physically conducted in Georgia for at least one year prior to any bid or proposal submitted pursuant to this Code section or a new business that is domiciled in Georgia which regularly maintains a place from which business is physically conducted in Georgia.

Secondly, SB 447 creates a reciprocity arrangement with other states that adopt laws preferential to their in-state resident businesses. Finally, this bill requires all entities of state government to adhere to the policies and procedures contained in the State Construction Manual.

- **Authored By:** Sen. John Bulloch of the 11th
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

SB 57 - Georgia Fair Lending Act; definitions; provide for limitations on home loans; fees for filling documents

- BILL SUMMARY: This bill addresses home mortgages and foreclosures. It is known as the “Home Mortgage Practices Act of 2010.”

Section 2 of the bill provides for definitions.

Section 3 adds to existing restrictions on home loans in Code Section 7-6A-3. Specifically, it bans prepayment fees or penalties with the exception of fees or penalties within the first three years of a home equity line of credit. It also states that yield spread premiums shall only be allowed to the extent they are credited entirely for the benefit of the borrower to offset the costs of closing a home loan or mortgage broker origination charges.

Section 4 adds a new Code Section, 7-6A-5.1, relating to subprime loans. It bans negative amortization subprime loans and flipping of subprime home loans. It also requires the creditor to verify the ability of the borrower to repay the subprime home loan (with safe harbor provisions to protect the creditor). It further adds a Code Section, 7-6A-5.2, to provide for duties a mortgage broker owes to a borrower.

Section 5 adds a new Code Section, 7-6A-8.1, to codify and clarify that the Fair Business Practices Act of 1975 is an available remedy.

Section 6 amends Code section 44-7-50 by requiring that a copy of the file-stamped deed under power be attached to the affidavit that must be submitted to the judge or magistrate when seeking an eviction pursuant to a foreclosure.

Section 7 amends Code Section 44-14-162.2 by codifying a right to cure. Under this bill only past due amounts and related charges and fees due to the default are required to be paid.

- **Authored By:** Sen. Bill Hamrick of the 30th

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

Judiciary

SB 138 - Transparency in Lawsuits Protection Act; provide legislative enactments do not create a private right of action unless expressly stated

- BILL SUMMARY: SB 138 is the “Transparency in Lawsuits Protection Act” and provides that legislative enactments do not create a private right of action unless such right is expressly provided therein. The bill codifies more than 30 years of Georgia case law and the modern trend in federal cases.

- **Authored By:** Sen. John J. Wiles of the 37th

- **Committee Action:** Do Pass

Judiciary

SB 143 - Public Meetings; limitation on action to contest agency action, recording, notice of time/place; change certain provisions

- BILL SUMMARY: This bill provides that the 90 day period for contested county or municipal acquisitions of real estate would not begin until such county or municipality publicly announced and recorded notice of such acquisition in the minutes of the county or municipal body authorizing a purchase. Current law states the period starts when the action is taken.

- **Authored By:** Sen. Robert Brown of the 26th

- **Committee Action:** Do Pass

Judiciary

SB 355 - Health; provide that priority list of persons authorized to control the disposition of the remains of a deceased person

- BILL SUMMARY: This bill clarifies that if a deceased person dies while serving in any branch of the United States Armed Forces then whoever the deceased person designated on their United States Department of Defense Record of Emergency Data, DD Form 93, shall have second priority, after only a health care agent designated in an advance directive for health care, to direct disposition of the remains.

- **Authored By:** Sen. Ed Harbison of the 15th

- **Committee Action:** Do Pass

Judiciary

SB 390 - Local Government; municipal corporation may determine when to establish a conservation easement

- BILL SUMMARY: This bill makes it easier for counties and municipal corporations (cities) to permanently conserve lands they own as parks or greenspace. This bill would allow counties and cities to place conservation easements on land that they own without having to go through the bidding procedure required under current law.

The bill further provides that cities may lease out real or personal property of the city. The requirements of the lease for personal and real property are also included.

- **Authored By:** Sen. Earl "Buddy" Carter of the 1st

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

Judiciary

SB 461 - Wills, Trusts, Estate; provide for construction of wills/trust instruments referring to federal estate; provide for judicial construction of such wills

- BILL SUMMARY: This bill is a stopgap to ensure that changes to federal estate and generation-skipping transfer tax law do not invalidate wills or trusts executed in Georgia. The bill provides that will or trust provisions relating to federal estate taxes should be construed in accordance with the law as it applied to decedents who died on December 1, 2009.

- **Authored By:** Sen. Seth Harp of the 29th

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

Judiciary

SB 491 - Civil Practice; grounds of exercise; personal jurisdiction over nonresidents involved in domestic relation cases; provisions

- BILL SUMMARY: This bill amends Georgia's long-arm statute to provide that the State may exercise personal jurisdiction over nonresidents involved in certain types of domestic relation cases.

- **Authored By:** Sen. Bill Cowsert of the 46th

- **Committee Action:** Do Pass

Motor Vehicles

SB 287 - Drivers' License; instructional permit reported stolen or forged; department shall issue a replacement permit with a new number

- BILL SUMMARY: SB 287 provides that when a person to whom a driver's license has been issued reports to the department that their license has been stolen or forged and requests a replacement permit or license, pays the required fee, and provides proof sufficient to the department that such permit or license has been stolen or forged, the department shall offer to issue a replacement license with a new license number. The cost for a replacement license is five dollars for the first time and ten dollars for each subsequent replacement.

- **Authored By:** Sen. Judson Hill of the 32nd

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

Motor Vehicles

SB 392 - Education; require educational institutions to verify motor common/contract carriers properly certified; transportation of students

- BILL SUMMARY: SB 392 requires require educational institutions that receive state money to verify that motor common or contract carriers (charter buses) are properly certified prior to entering into an agreement for the transportation of students.

- **Authored By:** Sen. Jack Murphy of the 27th

- **Committee Action:** Do Pass

Motor Vehicles

SB 419 - Drivers' License; provide for notation; post traumatic stress disorder; members of armed services/veterans

- BILL SUMMARY: SB 419 provides that members of the armed services and veterans who have been diagnosed with post traumatic stress disorder may request to have a notation of such diagnosis placed on his or her driver's license. Such applicant shall present the department with a sworn statement from a person licensed to practice medicine or psychology in this state verifying such diagnosis.
- **Authored By:** Sen. Ronald B. Ramsey, Sr. of the 43rd
- **Committee Action:** Do Pass by Committee Substitute

State Planning & Community Affairs

SB 369 - Buildings/Local Gov't; modify agencies/instrumentalities in which housing authorities/political subdivisions can invest funds

- BILL SUMMARY: Senate Bill 369 provides more options for local governments to invest reserve funds in to new investment opportunities.
- **Authored By:** Sen. Bill Hamrick of the 30th
- **Committee Action:** Do Pass

State Planning & Community Affairs

SB 456 - Redevelopment; directors of downtown development authority designated as urban redevelopment agency; serve as commissioners

- BILL SUMMARY: Senate Bill 456 would allow directors and elected officials to serve as commissioners of urban redevelopment agencies.
- **Authored By:** Sen. Jeff Mullis of the 53rd
- **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

***NO MEETING ARE SCHEDULED UNTIL THE HOUSE
RECONVENES ON MONDAY, APRIL 12***

** 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.*