

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 39th Legislative Day on Tuesday, April 27, at 10:00 AM.
- * 18 bills are expected to be debated on the floor.

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

Wednesday, April 21, 2010

38th Legislative Day

TODAY ON THE FLOOR**CONFERENCE COMMITTEE REPORTS****HB 16 - Electronic tracking device; location of person without consent; prohibit**

- BILL SUMMARY: HB 16 makes it a misdemeanor for an individual to track the physical location or movement of another person unless that action comes within a specific list of exceptions. Those exceptions include consent, allowing a lienholder or owner of a vehicle to track that vehicle, care givers for individuals with specific neurological or physical conditions who are monitoring patients, and the actions of private investigators.

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

- **House Committee:** Judiciary Non-Civil

- **Yeas:** 141 ; **Nays:** 17

- *Adoption of the conference committee report represents final passage of this bill.*

HB 277 - The Georgia 2020 Transportation Act; enact

- BILL SUMMARY: This legislation provides for an additional special transportation sales and use tax at the rate of 1 percent. The proceeds from the collection of this tax will be deposited into the Georgia 2020 Transportation Trust Fund created by the legislation. The Fund will be overseen by the Georgia 2020 Transportation Trust Fund Oversight Committee also created by this legislation. The committee make-up will be 11 members appointed by the Governor (3 appointees), Lieutenant Governor (4 appointees), and House Speaker (4 appointees). Governance and administration of the Fund is charged to the State Road and Tollway Authority (or another successor agency or authority which may divest SRTA of its powers). The Committee will oversee the work and operation of SRTA in this capacity. The Fund will be expended on an extensive list of projects included in the legislation. The bill also goes on to revise the OCGA relating to imposition and rate of sales and use tax (48-8-30) to include an additional special transportation sales and use tax of 1 percent. Should the voters reject the 1 percent statewide sales tax, there is an opportunity to vote on an intergovernmental approach.

- **Authored By:** Rep. Vance Smith of the 129th

- **House Committee:** Transportation

- **Yeas:** 141 ; **Nays:** 29

- *Adoption of the conference committee report represents final passage of this bill.*

HB 947 - Supplemental appropriations; State Fiscal Year July 1, 2009 - June 30, 2010

- BILL SUMMARY: This bill makes certain changes to the General Appropriations Act that was approved on May 11, 2009. It will provide appropriated sums of money for the State Fiscal Year beginning July 1, 2009, and ending June 30, 2010.

- **Authored By:** Rep. David Ralston of the 7th

- **House Committee:** Appropriations

- **Yeas:** 123 ; **Nays:** 29

- *Adoption of the conference committee report represents final passage of this bill.*

MOTIONS TO INSIST

HB 321 - Insurance Delivery Enhancement Act of 2009; enact

- BILL SUMMARY: HB 321 modifies the definitions of "group accident and sickness insurance" and "true association" in Title 33.
- **Authored By:** Rep. Steve Davis of the 109th
- **House Committee:** Insurance
- ***A motion to insist sent this bill to Conference Committee***

HB 396 - Drivers' licenses; driving record; uniform traffic citations; provisions

- BILL SUMMARY: HB 396 is a "housekeeping" bill for the Department of Driver's Services. Its purpose is to prepare Georgia to be compliant with the requirements of the federal REAL Id Act.
- **Authored By:** Rep. Tom Graves of the 12th
- **House Committee:** Motor Vehicles
- ***A motion to insist sent this bill to Conference Committee***

HB 948 - General appropriations; State Fiscal Year July 1, 2010 - June 30, 2011

- BILL SUMMARY: This bill provides appropriated sums of money for the State Fiscal Year beginning July 1, 2010, and ending June 30, 2011. The funding will be used for the operation of the State government, its departments, boards, bureaus, commissions, institutions, and other agencies. Further, it provides funding for the university system, common schools, counties, municipalities, political subdivisions and for all other governmental activities, projects and undertakings authorized by law.
- **Authored By:** Rep. David Ralston of the 7th
- **House Committee:** Appropriations
- ***A motion to insist sent this bill to Conference Committee***

HR 178 - Enforcement of contracts; restrict competition; provisions - CA

- BILL SUMMARY: Modifies Article III, Section VI, Paragraph V, Subparagraph (c) of the Constitution to allow for contracts which restrict competition after a term of employment or commercial relationship. The amendment gives courts the authority to modify restrictive covenants to effectuate the intent of the parties where the original covenant would be unlawful.
- HR 178 is necessary for HB 173, passed by the General Assembly in 2009, to become effective and to sustain Constitutional challenge.
- **Authored By:** Rep. Kevin Levitas of the 82nd
- **House Committee:** Judiciary
- ***A motion to insist sent this bill to Conference Committee***

MOTIONS TO AGREE

HB 203 - Local government; development authorities; clarify certain terms

- BILL SUMMARY: House Bill 203 clarifies legislative intent regarding House Bill 181 which was approved on May 24, 2007. No public or judicial facilities authority created by a single county can issue bonds for new projects without a majority vote by referendum from county citizens. This bill only applies to the issuance of bonds.
- **Authored By:** Rep. Mike Jacobs of the 80th
- **House Committee:** State Planning & Community Affairs
- ***A motion to agree represents final passage of this bill.***

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

- **House Committee:** Judiciary Non-Civil

- ***A motion to agree represents final passage of this bill.***

HB 579 - Contractors; eligibility for licensure; provide

- BILL SUMMARY: This legislation seeks to broaden those contractors who would be able to obtain a contractor's license without having to take the exam. Someone who has worked for a business for 10 years and that business has been incorporated in Georgia for 20 years would be eligible.

- **Authored By:** Rep. Howard Maxwell of the 17th

- **House Committee:** Special Rules

- ***A motion to agree represents final passage of this bill.***

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

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

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

- **House Committee:** Agriculture & Consumer Affairs

- ***A motion to agree represents final passage of this bill.***

HB 908 - Quality Basic Education Act; expenditures, class size, additional days, salary; temporarily suspend

- BILL SUMMARY: This bill gives local systems total flexibility through waivers that:

- Eliminate Expenditure Controls – media center, direct instruction, and staff development costs

- Eliminate Funding for Additional Instruction Days

With this bill, waivers will be available for request by school systems through July 1, 2013.

- Previous provisions regarding maximum class sizes and salary schedules were struck out from the original bill with this committee substitute.

- **Authored By:** Rep. Brooks Coleman of the 97th

- **House Committee:** Education

- ***A motion to agree represents final passage of this bill.***

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

- **House Committee:** Health & Human Services

- ***A motion to agree represents final passage of this bill.***

HB 1028 - Ad valorem tax; forest land conservation use property; revise provisions

- BILL SUMMARY: The Forest Land Protection Act passed in 2008 provided that when breach of a forest land covenant occurs following the transfer of a portion of the tract to another owner, that the penalty and interest shall be paid by either the acquiring owner or the transferor, whichever breached the covenant. However, Dept. of Revenue rules and regulations promulgated on this act provide that if the penalty and interest is not satisfied by the breaching party then the local governments may seek recovery from the non-breaching party's property interest, and may file a lien against that property. This bill would clarify that only the portion on which the breach occurred will be subject to penalty and interest, and only that portion of the land may be subject to a lien.

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

- **House Committee:** Ways & Means

- ***A motion to agree represents final passage of this bill.***

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

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

- **Authored By:** Rep. Ron Stephens of the 164th

- **House Committee:** Motor Vehicles

- **A motion to agree represents final passage of this bill.**

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

- **A motion to agree represents final passage of this bill.**

HB 1154 - Influenza vaccine; revise definition

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

- **Authored By:** Rep. Sean Jerguson of the 22nd

- **House Committee:** Health & Human Services

- **A motion to agree represents final passage of this bill.**

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

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

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

- **House Committee:** Health & Human Services

- **A motion to agree represents final passage of this bill.**

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

- **A motion to agree represents final passage of this bill.**

HB 1345 - Georgia Kosher Food Consumer Protection Act; enact

- BILL SUMMARY: This bill repeals the current kosher statutes which essentially say "thou shalt not call non-Kosher food Kosher" and then define "Kosher food" as meeting Orthodox Jewish standards. This bill replaces them with a disclosure scheme contained in a single code section in the Fair Business Practices Act. The Agriculture Department, Law Department, Governor's Office, and Governor's Office of Consumer Affairs have all signed off on HB 1345.

- **Authored By:** Rep. Mike Jacobs of the 80th

- **House Committee:** Judiciary

- **A motion to agree represents final passage of this bill.**

SB 17 - Election; increase filing fees/fines for campaign, financial, and lobbyist disclosure reports that are filed late

- BILL SUMMARY: This bill renames the State Ethics Commissions the Georgia Government Transparency and Campaign Finance Commission. It would have the authority to investigate all public officials in the state. The General Assembly's Joint Legislative Ethics Committee would be abolished. Anyone would be allowed to file a complaint against an elected official, but if the commission ruled the case was frivolous, the person bringing the suit would have to pay the official's legal fees. It requires lobbyists to disclose spending every 15 days instead of 30 days during the legislative session and 30 days instead of three months when not in session. Lobbyists would be required to pay an annual registration fee and fines for violating rules would be increased. Financial disclosure requirements for legislators would be increased. Fines for officials and candidates who did not file would be increased.

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

- **House Committee:** Ethics

- ***A motion to agree represents final passage of this bill.***

SB 84 - Local Boards of Education; election; revise provisions

- BILL SUMMARY: Senate Bill 84, School Board Governance Act, creates specific standards and regulations for local school board members. Under this legislation, the State Board of Education will create a code of ethics and a training program for all school board members. A new standardized ethics policy by state school boards will be included in the ethics policy adopted by local boards as a minimum, laws relating to board and superintendent roles and responsibilities will be clarified, and qualifications for candidates will be put into force. If a school board is in danger of losing accreditation, the Governor can suspend school board members and replace them.

- **Authored By:** Sen. Bill Heath of the 31st

- **House Committee:** Education

- ***A motion to agree as amended by the House sent this bill back to the Senate for consideration, and the Senate agreed to the amendment. This action represents final passage of this bill***

SB 310 - Insurance; pharmacy benefits managers; regulation and licensure

- BILL SUMMARY: SB 310 provides that Pharmacy Benefit Managers (PBM's) shall be regulated and licensed by the Insurance Commissioner's Office. Further, this bill provides for regulation and licensure of multiple employer self-insured health plans by the Commissioner of Insurance.

- **Authored By:** Sen. Lee Hawkins of the 49th

- **House Committee:** Insurance

- ***A motion to agree represents final passage of this bill.***

MOTIONS TO DISAGREE

HR 178 - Enforcement of contracts; restrict competition; provisions - CA

- BILL SUMMARY: Modifies Article III, Section VI, Paragraph V, Subparagraph (c) of the Constitution to allow for contracts which restrict competition after a term of employment or commercial relationship. The amendment gives courts the authority to modify restrictive covenants to effectuate the intent of the parties where the original covenant would be unlawful. HR 178 is necessary for HB 173, passed by the General Assembly in 2009, to become effective and to sustain Constitutional challenge.

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

- **House Committee:** Judiciary

- ***A motion to disagree sent this bill back to the Senate for consideration, and a motion to insist by both the House & Senate sent this bill to Conference Committee***

HB 540 - Elections; remove references to ballot cards; provisions

- BILL SUMMARY: HB 540 is the annual "housekeeping" bill for the Elections Division of the Secretary of States Office.

- **Authored By:** Rep. Austin Scott of the 153rd

- **House Committee:** Governmental Affairs

- ***A motion to disagree sends this bill back to the Senate for consideration. The Senate Insisted on their position.***

HB 948 - General appropriations; State Fiscal Year July 1, 2010 - June 30, 2011

- BILL SUMMARY: This bill provides appropriated sums of money for the State Fiscal Year beginning July 1, 2010, and ending June 30, 2011. The funding will be used for the operation of the State government, its departments, boards, bureaus, commissions, institutions, and other agencies. Further, it provides funding for the university system, common schools, counties, municipalities, political subdivisions and for all other governmental activities, projects and undertakings authorized by law.

- **Authored By:** Rep. David Ralston of the 7th

- **House Committee:** Appropriations

- ***A motion to disagree sent this bill back to the Senate for consideration, and a motion to insist by both the House & Senate sent this bill to Conference Committee***

HB 1284 - Planning and Budget, Office of; record of user fees collected; provide for publication

- BILL SUMMARY: HB 1284 requires the Office of Planning and Budget to maintain a record of all user fees collected by any department, agency, or other budget unit. Further, it provides for publication of the record on the Open Georgia website.

The Senate Finance Committee substitute to HB 1284 requires the Office of the Governor to produce an annual fee report on all fees collected and administered by budget units of the state. It details all of the items to be contained in the report. And, finally, it requires the report to be placed on a public website (Open Georgia Website).

- **Authored By:** Rep. Richard H. Smith of the 131st

- **House Committee:** Governmental Affairs

- **A motion to disagree sends this bill back to the Senate for consideration. The Senate Insisted on their position.**

RULES CALENDAR

HR 1425 - National Sorority of Phi Delta Kappa, Inc., Day; Feb. 17, 2010; recognize

- BILL SUMMARY: No Summary Available

- **Authored By:** Rep. Earnest Williams of the 89th

- **House Committee:** N/A

- **Rule:** Open

- **Yeas:** 149; **Nays:** 2

HR 1473 - Savannah Chapter #159 of the Order of the Eastern Star, Prince Hall; commend

- BILL SUMMARY: No Summary Available

- **Authored By:** Rep. Mickey Stephens of the 161st

- **House Committee:** N/A

- **Rule:** Open

- **Yeas:** 158; **Nays:** 1

SB 1 - Zero-Base Budgeting Act; provide for the application

- BILL SUMMARY: This legislation amends part of the Georgia Code related to the "Budget Act," by eliminating provisions concerning the annual continuation budget report, and providing the application of zero based budgeting to the budgeting process. It also provides analysis of department and program objectives, considers alternative funding levels, and develops priority lists for departments. The presentation of alternative funding levels does not, however, relieve the obligation of the Governor to present a recommended budget that is balanced. These changes will apply to the budget presented to the General Assembly in January 2011 and each year after, and affect no more than one-third but no less than one-quarter of all programs in the most recently passed General Appropriations Act.

- **Authored By:** Sen. David Shafer of the 48th

- **House Committee:** Budget and Fiscal Affairs Oversight

- **Rule:** Modified-Structured

- **Yeas:** 151; **Nays:** 0

SB 17 - Election; increase filing fees/fines for campaign, financial, and lobbyist disclosure reports that are filed late

- BILL SUMMARY: This bill renames the State Ethics Commissions the Georgia Government Transparency and Campaign Finance Commission. It would have the authority to investigate all public officials in the state. The General Assembly's Joint Legislative Ethics Committee would be abolished. Anyone would be allowed to file a complaint against an elected official, but if the commission ruled the case was frivolous, the person bringing the suit would have to pay the official's legal fees. It requires lobbyists to disclose spending every 15 days instead of 30 days during the legislative session and 30 days instead of three months when not in session. Lobbyists would be required to pay a \$300 annual registration fee and fines for violating rules would be increased. Financial disclosure requirements for legislators would be increased. Fines for officials and candidates who did not file would be increased. Lobbyists would not be allowed to initiate electronic communication with legislators when they were in session or committee.

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

- **House Committee:** Ethics

- **Rule:** Modified-Structured

- **Yeas:** 168; **Nays:** 2

SB 136 - Penal Institutions; U.S. Immigration and Customs Enforcement Rapid Removal of Eligible Parolees Accepted for Transfer; participate

- BILL SUMMARY: This bill provides for renewal and codification of agreements between the state and the federal government regarding implementation of the United States Immigration and Customs Enforcement Rapid Removal of Eligible Parolees Accepted for Transfer (REPAT) Program.

Georgia signed a similar agreement on October 3, 2008 which allowed the state to participate in a trial version of this program. This bill codifies that agreement and brings the language in the statute in line with the current federal guidelines for the program.

- **Authored By:** Sen. John Douglas of the 17th
- **House Committee:** Judiciary Non-Civil
- **Rule:** Modified-Structured
- **Yeas:** 145; **Nays:** 0

SB 237 - Commerce/Trade; prohibit pricing practices during an abnormal market disruption; petroleum products; define terms

- BILL SUMMARY: SB 237 will require the Governor to specify what goods and services cannot increase their prices during a state of emergency. Currently, all previously listed goods and services are automatically frozen, even if they are not directly affected by the state of emergency.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Agriculture & Consumer Affairs
- **Rule:** Modified-Structured
- **Yeas:** 161; **Nays:** 0

SB 310 - Insurance; pharmacy benefits managers; regulation and licensure

- BILL SUMMARY: SB 310 provides that Pharmacy Benefit Managers (PBM's) shall be regulated and licensed by the Insurance Commissioner's Office. Further, this bill provides for regulation and licensure of multiple employer self-insured health plans by the Commissioner of Insurance.

- **Authored By:** Sen. Lee Hawkins of the 49th
- **House Committee:** Insurance
- **Rule:** Modified-Structured
- **Yeas:** 146; **Nays:** 3

SB 324 - Georgia Peace Officer Standards and Training Council; clarify the authority of the council to impose administrative fees

- BILL SUMMARY: This bill amends 35-8-7 to add the imposition of administrative fees for services provided pursuant to Code to the duties and powers of the Georgia Peace Officers Standards and Training Council.

- **Authored By:** Sen. Johnny Grant of the 25th
- **House Committee:** Public Safety and Homeland Security
- **Rule:** Modified-Structured
- **Yeas:** 151; **Nays:** 2

SB 340 - Education; require school systems to adopt a reporting system for the purpose of determining potential HOPE eligibility

- BILL SUMMARY: Senate Bill 340 would require each school system, private and public, to send an electronic transcript to the Georgia Student Finance Commission for each student (9th-11th grade). In order to give school counselors, parents and students the ability to determine whether their academic standing will render them eligible for HOPE before 12th grade, the Georgia Student Finance Commission will evaluate grades as well as the schools grading scale to give an accurate record throughout a students academic career. Each school system will be required to begin sending electronic transcripts of all students to GSFC in 2011. This measure will also insure that each school will be required to send the student current HOPE GPA to the parent.

While currently, this type of reporting is required for 12th grade students, Senate Bill 340 would initiate the tracking process when students enter high school. This tool will insure that students are fully aware of their eligibility status for the HOPE scholarship before applying or entering a postsecondary institution.

- **Authored By:** Sen. Seth Harp of the 29th
- **House Committee:** Higher Education
- **Rule:** Open
- **Yeas:** 141; **Nays:** 4

SB 346 - Ad Valorem Taxes; revise comprehensive provisions

- BILL SUMMARY: SB 346 provides for comprehensive changes to the property tax code. It provides that notices of property value assessments will be sent out by the board of assessors annually, rather than only in years when the value is changed. This will ensure every property owner has a right to appeal their valuation every year. It also provides for a state-wide uniform assessment notice to be established by the commissioner of the Department of Revenue. This notice must contain an estimate of current year's taxes which will use the current assessment and the previous year's millage rate.

The bill also provides for a new appeal process for non-homestead properties valued at \$1 million or more. Appeals on these properties may be made to a hearing officer which will be a certified appraiser. Just as with appeals to the board of equalization, decisions of the hearing officers may be appealed to the superior court. The bill provides for oversight of the boards of equalization and the hearing officers by the clerk of the superior court. The bill also provides that the transaction amount of an arms length, bona fide sale shall be the maximum fair market value for tax purposes in the next taxable year following the sale. "Arms length, bona fide sale" is defined in the bill as a transaction between unaffiliated parties.

- **Authored By:** Sen. Chip Rogers of the 21st
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 137; **Nays:** 7

SB 373 - Peace Officers; investigation of an applicant's good moral character; applying for appointment or certification

- BILL SUMMARY: Allows investigation of persons applying for a position as a certified peace officer by the law enforcement agency considering the application. This bill also allows the agency to gather employment related data upon the approval by the candidate.

- **Authored By:** Sen. Johnny Grant of the 25th
- **House Committee:** Public Safety and Homeland Security
- **Rule:** Modified-Structured
- **Yeas:** 154; **Nays:** 1

SB 380 - Ga Environmental Facilities Authority; water supply division; authority to make loans/grants to local governments; expansion of existing reservoirs

- BILL SUMMARY: Requires the Georgia Environmental Facilities Authority (GEFA) to ensure completion of an emergency water supply and distribution plan for the public water systems in the Metro North Georgia Water Planning District by September 1, 2011. The plan must identify sufficient water supply sources and detailed steps required to modify a local water system's operations to accept or share water with adjacent water providers within the district during emergencies to supply essential water needs. The plan initially is to be based on the 2035 water demand forecast by the district in 2009, updated by a revised forecast every five years thereafter. The plan must evaluate risks and where feasible plan for a districtwide interconnection reliability target for immediate implementation of about 35 percent of average annual daily demand, with a long-range districtwide interconnection reliability goal of about 65 percent of average annual daily demand. The bill lists the issues that are to be addressed in completing the plan, such as evaluation of factors affecting water supply reliability, consideration of various emergency situations and a model intergovernmental agreement for sharing and pricing of water during emergency situations. The bill also establishes a technical panel which with GEFA will define the water shortage scenarios to be evaluated in the emergency plan and prepare a preliminary scope of work statement for the plan consistent with these provisions. Finally, SB 380 allows the water supply division of GEFA to make loans and grants to local governments to pay all or part of the cost of expanding and increasing the capacity of existing reservoirs, lists the criteria to be considered in evaluating requests for such assistance and provides for public notice for acceptance of applications for such loans and grants.

- **Authored By:** Sen. Chip Pearson of the 51st
- **House Committee:** Natural Resources & Environment
- **Rule:** Open
- **Yeas:** 160; **Nays:** 2

SB 409 - Taxes; provide statement of intent of General Assembly; granting a tax break; raw forest products

- BILL SUMMARY: Senate Bill 409 expresses the intent of the General Assembly to offer any non-statutory economic incentives granted on or after July 1, 2010 to any entity engaged in the use of raw forest products equitably to all users in this state. The bill attempts to prevent direct price subsidies being granted by the state to any specific entity which uses raw forest products without providing it to all users.

- **Authored By:** Sen. Ronnie Chance of the 16th
- **House Committee:** Ways & Means
- **Rule:** Modified-Structured
- **Yeas:** 141; **Nays:** 0

SB 421 - Budget/Financial Affairs; Revenue Shortfall Reserve; not exceed 15 percent of previous year's net revenue for any fiscal year

- BILL SUMMARY: This bill prohibits the Revenue Shortfall Reserve from exceeding 15 percent of the previous fiscal year's net revenue for any given fiscal year.
- **Authored By:** Sen. Jack Hill of the 4th
- **House Committee:** Budget and Fiscal Affairs Oversight
- **Rule:** Modified-Structured
- **Yeas:** 142; **Nays:** 0

SB 427 - Georgia Foundation for Public Education; establish; provide for membership, powers, duties, purpose

- BILL SUMMARY: Senate Bill 427 establishes a Georgia Foundation for Public Education for the purposes of soliciting and accepting money contributions, services or property for the purpose of supporting education excellence in Georgia. Georgia Academy for the Blind, Georgia School for the Deaf and Atlanta Area School for the Deaf, are specifically helped with this bill. However, the bill is not limited to only these institutions. The foundation will be governed by a board of directors composed between 5 to 15 members appointed by either State School Superintendent or State Board of Education. At least two members of the board shall represent the interests of the students who are blind or deaf.
- **Authored By:** Sen. Dan Weber of the 40th
- **House Committee:** Education
- **Rule:** Modified-Structured
- **Yeas:** 156; **Nays:** 1

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
- **House Committee:** Governmental Affairs
- **Rule:** Modified-Open
- **Yeas:** 152; **Nays:** 4

SB 457 - Education; provide local board of education may act on petition for a conversion charter school for a high school cluster; referendum

- BILL SUMMARY: Senate Bill 457 relates to the approval or denial of charter petitions for conversion charter schools for a high school cluster. The high school cluster petition must receive at least 60% approval from the combined vote of the faculty and instructional staff of the high school cluster and parents or guardians of students to be approved for submitting to the local board.
- **Authored By:** Sen. Dan Weber of the 40th
- **House Committee:** Education
- **Rule:** Modified-Structured
- **Yeas:** 134; **Nays:** 0

SB 488 - Georgia Foreign Money Judgements Recognition Act; not recognize foreign judgments in defamation actions

- BILL SUMMARY: Section 1:

This section of the bill defines the term 'crime' as used in Code section 9-3-99, relating to tolling of limitations for tort actions while criminal prosecution is pending, as:

- A felony
- Any violation of Article 15 of Chapter 6 of Title 40 (these are serious traffic offenses)
- A misdemeanor violation that results in another person's death or bodily harm that results in loss of member, rendering a member useless, seriously disfiguring the body or a member thereof, or causes organic brain damage rendering the body or a member thereof useless

The definition of 'crime' included in this bill is partly a result of the Supreme Court of Georgia decision in Beneke v. Parker.

The bill also clarifies that the statute of limitations is tolled for any party against whom an action may be brought.

Section 2:

This section of the bill amends the "Georgia Foreign Money Judgments Recognition Act" so as not to recognize foreign judgments in defamation or injury to reputation actions unless the jurisdiction's laws provide sufficiently similar constitutional protections as provided by the United States Constitution and the Georgia Constitution.

- **Authored By:** Sen. Bill Cowsert of the 46th
- **House Committee:** Judiciary
- **Rule:** Modified-Structured
- **Yeas:** 160; **Nays:** 2

SB 493 - Vital Records; provide for execution of death certificates for burn victims

- BILL SUMMARY: SB 493 provides that whenever the death of a nonresident burn victim occurs in a treatment facility following the transportation of such victim from an incident occurring in another state, only the attending physician shall be required to complete and sign the death certificate.

- **Authored By:** Sen. Hardie Davis of the 22nd
- **House Committee:** Governmental Affairs
- **Rule:** Modified-Open
- **Yeas:** 160; **Nays:** 0

SR 822 - Transportation, Dept. of; urged to seek waiver from Federal Highway Administration to allow retail developments along interstate highway

- BILL SUMMARY: This resolution urges the Georgia Department of Transportation to seek a waiver from the Federal Highway Administration in order allow retail developments in rest areas along the interstate highway system.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Transportation
- **Rule:** Modified-Open
- **Yeas:** 130; **Nays:** 10

SR 1075 - CSA Army of Tennessee Highway; dedicate

- BILL SUMMARY: SR 1075 is a package of road/bridge dedications throughout the state of Georgia.

- **Authored By:** Sen. Jeff Mullis of the 53rd
- **House Committee:** Transportation
- **Rule:** Modified-Structured
- **Yeas:** 140; **Nays:** 0

LOCAL CALENDAR

HB 1430 - Bartow County; levy excise tax; authorize

- BILL SUMMARY: A Bill to authorize Bartow County to levy a hotel/motel tax.
- **Authored By:** Rep. Paul Battles of the 15th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 145; **Nays:** 1

HB 1507 - Clarkston, City of; election and powers of the mayor; provide

- BILL SUMMARY: A Bill to provide for the powers of the mayor, to provide for the election and terms of the mayor and councilmembers and, to provide for the appointment of a city manager in the City of Clarkston.
- **Authored By:** Rep. Karla Drenner of the 86th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 145; **Nays:** 1

HB 1508 - DeKalb County; district services; change definition

- BILL SUMMARY: A Bill to provide a definition for the term 'district services' in the DeKalb County Special Services Tax Districts Act, so as to impose certain requirements and limitations upon ad valorem taxes levied by DeKalb County to finance the provision of certain governmental services.
- **Authored By:** Rep. Stephanie Benfield of the 85th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 145; **Nays:** 1

HB 1509 - Savannah, City of; Chatham County; board of education members; add qualifications

- BILL SUMMARY: A Bill to provide for terms of office and additional qualifications for the members of the Savannah and Chatham County Board of Education.
- **Authored By:** Rep. Mickey Stephens of the 161st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 145; **Nays:** 1

SB 543 - Baldwin County; ad valorem taxes for county purposes; reduce the age for qualifying for such homestead exemption from 65 to 60 years

- BILL SUMMARY: A Bill to change the age for qualifying for a homestead exemption from Baldwin County ad valorem taxes for county purposes for senior citizens from 65 to 60 years of age.
- **Authored By:** Sen. Johnny Grant of the 25th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 145; **Nays:** 1

SB 544 - DeKalb County Ad Valorem Taxes; extend exemption for another five-year period

- 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 extending the exemption for another five-year period.
- **Authored By:** Sen. Dan Weber of the 40th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 145; **Nays:** 1

** The House will reconvene Tuesday, April 27, at 10:00 AM, for its 39th Legislative Day*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 39th Legislative Day, Tuesday, April 27, and bills may be called at the pleasure of the Speaker.

NEXT ON THE FLOOR

SB 78 - Georgia Voluntary Remediation Program Act; define certain terms; provide for power/duties of Environmental Protection Div. director

- BILL SUMMARY: No Summary Available
- **Authored By:** Sen. Ross Tolleson of the 20th
- **House Committee:** Natural Resources & Environment
- **House Committee Passed:** 4/15/2010
- **Rule:** Modified-Open

SB 99 - Boating Safety Zones; prohibit operation of certain vessels on Lake Sinclair

- BILL SUMMARY: Current law prohibits the operation of certain vessels on Lake Burton, Seed Lake, Lake Rabun, Lake Tugalo, Tallulah Falls Lake, and Lake Yonah. This legislation seeks to prohibit the operation of such vessels on Lake Sinclair as well.

However, this prohibition will not apply to any vessel that was lawfully operated on Lake Sinclair immediately prior to the effective date of this legislation and was, as of such date, included on the tax roll of any county within which any part of such lake lies.

For the purposes of this legislation, a "vessel" shall be defined as any motorized vessel greater than 30 feet six inches in length; except for law enforcement, scientific research, or dam operation and maintenance craft; or any vessel equipped with any type of baffler system.

- **Authored By:** Sen. Johnny Grant of the 25th
- **House Committee:** Game, Fish, & Parks
- **House Committee Passed:** 4/14/2010
- **Rule:** Modified-Open

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
- **House Committee:** Judiciary
- **House Committee Passed:** 4/1/2010
- **Rule:** Modified-Open

SB 252 - Polysomnography Practice Act; provide for the certification of polysomnographic technologists

- BILL SUMMARY: This legislation enables the Georgia Composite Medical Board to establish a monitoring and rehabilitation program for impaired physicians. Additionally the legislation allows the Medical Board to contract with entities to conduct such programs.

- **Authored By:** Sen. Don Thomas of the 54th
- **House Committee:** Health & Human Services
- **House Committee Passed:** 4/12/2010
- **Rule:** Modified-Structured

SB 283 - Retirement; no person who becomes tax commissioner; on/after July 1, 2010; membership in Employees' Retirement System of Georgia

- BILL SUMMARY: This bill relates to county revenue employees and states that no one who becomes tax commissioner nor their employees are eligible for membership in the Employees Retirement System. Effective Date July 1, 2010.

- **Authored By:** Sen. Bill Heath of the 31st
- **House Committee:** Retirement
- **House Committee Passed:** 3/10/2010
- **Rule:** Modified-Open

SB 316 - Medicare Supplemental; make available to persons under age 65 who qualify for medicare due to disability or end-stage renal disease

- BILL SUMMARY: SB 316 extends Medigap insurance policies to everyone that qualifies for Medicare. Currently, these policies are only available to individuals over 65 years of age.

- **Authored By:** Sen. Don Thomas of the 54th

- **House Committee:** Insurance

- **House Committee Passed:** 4/13/2010

- **Rule:** Modified-Structured

SB 364 - Massage Therapist; conviction for sexual offense; license suspended for certain time periods; penalties

- BILL SUMMARY: This bill provides that the Board of Massage Therapy has the authority to investigate and punish businesses which provide massage therapy services when certain violations are committed and to ensure compliance with current laws regarding the profession.

Section 1 defines 'entity.'

Section 2 authorizes the Board to investigate entities in addition to persons.

Section 3 adds additional violations that may investigated by the Board.

Section 4 provides the disciplinary actions that the Board may take.

Section 5 clarifies that businesses where massage therapy is performed for compensation are also subject to regulation by local governing authorities.

Section 6 deals with fines and punishments. A first offense is a misdemeanor. A second offense is a misdemeanor of a high and aggravated nature. A third or subsequent offense is a felony.

- **Authored By:** Sen. Cecil Staton of the 18th

- **House Committee:** Judiciary Non-Civil

- **House Committee Passed:** 4/19/2010

- **Rule:** Modified-Open

SB 367 - Influenza; revise the definition of "influenza vaccine"

- 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:** Sen. Don Balfour of the 9th

- **House Committee:** Health & Human Services

- **House Committee Passed:** 4/19/2010

- **Rule:** Modified-Structured

SB 368 - Fair Business Practices Act of 1975; deceptive representation/designations of geographic origins; provisions

- BILL SUMMARY: This legislation seeks to prevent fraudulent or deceptive advertising in local telephone directory listings by amending provisions of the "Fair Business Practices Act of 1975." It specifically prohibits the publishing of advertisements that contain a local Georgia or toll-free phone number for a business without also clearly stating the non-local location of the business where the calls are actually being routed. These new regulations will take affect on January 1, 2011.

- **Authored By:** Sen. Bill Jackson of the 24th

- **House Committee:** Energy, Utilities & Telecommunications

- **House Committee Passed:** 4/19/2010

- **Rule:** Modified-Open

SB 388 - State Printing; any state law authorizes a state officer/agency to publish any matter such publication made in printed and electronic format

- BILL SUMMARY: Section 1:

This section of the bill allows Legislative Counsel to discontinue publication of the softbound volumes of Georgia Laws and authorizes them to distribute fewer hardbound volumes of Georgia Laws. It also allows for distribution of an electronic version of Georgia Laws.

Section 2:

This section of the bill further provides that those entities requesting copies of the Georgia House and Senate Journals shall pay the Secretary of State the cost of acquisition. The bill also reduces the number of copies of the Georgia House and Senate Journals the Secretary of State is required to hold in reserve.

Section 3:

This section of the bill gives the Secretary of State 60 days after a local referendum is approved to provide a copy of the Act and a certificate showing it became law to the election superintendent and the governing authority of each county or municipality in which it has application.

Section 4:

This section of the bill adds a new Code section that directs state agencies and state officers to publish all matters in electronic format unless the state officer or state agency determines that a printed format is necessary to achieve the purpose of publication. Other exceptions include: (1) when state law requires publication in one or more newspapers, or (2) when a state law makes specific reference to this new Code section and requires publication in a specific manner notwithstanding the provisions of this Code section.

Sections 5 through 7 deal with definitions of court reports, content and appearance of reports and number of volumes per year, and the responsibilities of the reporter.

Section 8:

This section of the bill reduces the number of court reports that the reporter is required to distribute in hard copy to various departments, courts, etc. throughout the state.

Section 9:

This section of the bill adds a new Code section that states the rules compilation published by the reporter shall be made available through the internet or other suitable electronic method.

Sections 10 and 11 list over 100 code sections being updated to allow publication either in print or electronically.

- **Authored By:** Sen. Jim Butterworth of the 50th
- **House Committee:** Judiciary
- **House Committee Passed:** 4/19/2010
- **Rule:** Modified-Open

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
- **House Committee:** Judiciary
- **House Committee Passed:** 4/1/2010
- **Rule:** Modified-Open

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
- **House Committee:** Energy, Utilities & Telecommunications
- **House Committee Passed:** 4/1/2010
- **Rule:** Modified-Structured

SB 449 - Georgia Golf Hall of Fame; abolish; disposition of property

- BILL SUMMARY: This bill abolishes the Georgia Golf Hall of Fame Authority and transfers certain assets, contracts and other obligations of the Georgia Golf Hall of Fame Authority and the Board to the Georgia Department of Economic Development. This bill also authorizes the state to sell by competitive bid all real property owned or controlled by the Georgia Golf Hall of Fame for an amount not less than its outstanding bond indebtedness and not less than the fair market value. It further requires the Department of Economic Development to transfer the Georgia Golf Hall of Fame statues to Augusta for public use by the Augusta-Richmond County Commission.

- **Authored By:** Sen. Hardie Davis of the 22nd
- **House Committee:** Economic Development & Tourism
- **House Committee Passed:** 4/19/2010
- **Rule:** Modified-Structured

SB 470 - Computer Security; illegal to prevent reasonable efforts to block installation or execution of a covered file-sharing program

- BILL SUMMARY: Makes it illegal for an unauthorized user of a computer in Georgia to prevent reasonable efforts to block the installation, execution or disabling of a covered file-sharing program on the computer, or to install, offer to install or make available for installation, reinstallation or update a covered file-sharing program on the computer without first doing certain things (such as providing clear and conspicuous notice to the authorized user of the computer which files on that computer will be made available to the public). The bill defines "covered file-sharing program" as a computer program, application or software that enables the computer on which that program, application or software is installed to designate files as available for searching by and copying to one or more computers, to transmit such designated files directly to one or more other computers, and to request the transmission of such designated files directly from one or more other computers.

- **Authored By:** Sen. Cecil Staton of the 18th
- **House Committee:** Science and Technology
- **House Committee Passed:** 4/13/2010
- **Rule:** Modified-Open

SB 474 - Wildlife; possession of native wild animal killed by motor vehicle; provide exceptions and conditions

- BILL SUMMARY: SB 474 requires those who accidentally kill a bear with their vehicle to report the accident to the Department of Natural Resources or local law enforcement within 48 hours. It shall not authorize any person to take possession of any animal of a species designated as a protected species. It shall be unlawful to run bears with dogs except in counties with an open season for hunting bears with dogs

- **Authored By:** Sen. Don Thomas of the 54th
- **House Committee:** Game, Fish, & Parks
- **House Committee Passed:** 4/14/2010
- **Rule:** Modified-Structured

SB 521 - Education; provide for enrollment counts for students in certain dual enrollment programs

- BILL SUMMARY: Senate Bill 521 relates to financing for enrollment counts for students in certain dual enrollment programs under the Quality Basic Education Formula. The State Board of Education shall designate the specific assigned program for each student is for each of the one-sixth segments of the day two times a year. In the past, students that were dual enrolled were not counted for the segments they would be assigned to in the high school, if they were attending a postsecondary course. With the passage of SB 521 students that are dual enrolled but stay at the high school for the postsecondary program will be counted at the full funding costs. Senate Bill 521 also establishes that the State Board of Education will provide a common statewide evaluation system for assessing teacher's performance.

- **Authored By:** Sen. Dan Weber of the 40th
- **House Committee:** Education
- **House Committee Passed:** 4/20/2010
- **Rule:** Modified-Structured

SR 821 - Transportation Department; multiyear construction agreements-CA

- BILL SUMMARY: Calls for a referendum for a constitutional amendment to give the Governor and the General Assembly to allow funds for multiyear projects to be obligated in the year that the money is spent instead of obligating all funds at once.

- **Authored By:** Sen. David Shafer of the 48th
- **House Committee:** Transportation
- **House Committee Passed:** 4/13/2010
- **Rule:** Modified-Structured

** The Rules Committee will next meet on Tuesday, April 27, at 09:00 AM, to set the Rules Calendar for the 40th Legislative Day.*

COMMITTEE ACTION REPORT

Insurance

SB 407 - Insurance; authorize insurers to offer individual medical/surgical health insurance that have been approved for issuance in selected states

- BILL SUMMARY: HB 1184 authorizes insurance companies to offer individual accident and sickness insurance policies in Georgia that have been approved for issuance in other states. These policies will be regulated by Georgia's Insurance Commissioner.

- **Authored By:** Sen. Judson Hill of the 32nd
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

SB 529 - Crimes and Offenses; specify certain acts that constitute criminal abortion

- BILL SUMMARY: This bill creates the offense of 'criminal abortion,' which is when a person performs an abortion (1) with actual knowledge that the pregnant woman is seeking the abortion as a result of unlawful coercion; (2) with the intent to prevent an unborn child from being born based on the race, color, or gender of the unborn child or the race or color of either parent; (3) with the actual knowledge that the pregnant woman is seeking the abortion with the intent to prevent the unborn child from being born based on the race, color, or gender of the unborn child or the race or color of either parent; or (4) in violation of Code Section 15-11-112 (Notice of abortion on unemancipated minor; hearing), 16-12-141(When abortion is legal; filing of certificate of abortion by performing physician), 31-9A-3 (Voluntary and informed consent to abortion; availability of ultrasound), or 31-9A-5 (Requirements in case of medical emergency).

The bill includes a safe harbor provision that would exempt a physician from criminal liability if (1) they personally confirm by direct inquiry that the abortion is not being sought for one of the enumerated reasons, and (2) they obtain written certification of such facts from the woman seeking such abortion.

The bill allows the woman to recover in a civil action from the person who performed the criminal abortion.

The bill exempts the woman from criminal or civil liability as a result of the abortion or for solicitation or for conspiracy to violate the Code section.

The bill provides that testimony of a witness, or the ability to introduce evidence, shall not be limited or impaired by virtue of any document the witness signed in connection with this Code section. (This is a modification of the parol evidence rule.)

The bill includes a provision reiterating the confidentiality of a patient's personal medical information.

The bill adds definitions for 'unborn child' and 'unlawful coercion.'

The bill includes a provision reaffirming that abortions done to protect the life of the mother are not subject to liability under this Code section.

The bill adds the offense of criminal abortion to the State's RICO statutes.

- **Authored By:** Sen. Chip Pearson of the 51st
- **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.

Finally, it provides that any person convicted of a felony offense shall have such conviction demarcated on his or her driver's license for the length of his or her sentence.

- **Authored By:** Sen. Ronald B. Ramsey, Sr. of the 43rd

- **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

Thursday, April 22, 2010

9:30 AM - 11:30 AM	<u>JUDICIARY NON-CIVIL</u>	132 CAP
12:00 PM - 1:00 PM	<u>Conference Committee on the 2011</u>	403 CAP

* *This 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.*