

HOUSE BUDGET & RESEARCH OFFICE

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HOUSE COMMUNICATIONS

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## TOMORROW'S FORECAST

\* The House will reconvene for its 17th Legislative Day on Wednesday, February 5, at 10:00 AM.

\* 3 bills are expected to be debated on the floor.



# GEORGIA HOUSE OF REPRESENTATIVES

Tuesday, February 04, 2014

16th Legislative Day

# *DAILY REPORT*

# 2014

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# **TODAY ON THE FLOOR**

## **RULES CALENDAR**

### **HB 829 - Certified process servers; change sunset and legislative review provisions**

- BILL SUMMARY: House Bill 829 amends O.C.G.A. 9-11-4.1(k) by changing the repeal date from July 1, 2015 to 2020, unless continued by the General Assembly prior to that date.
- **Authored By:** Rep. Wendell Willard of the 51st
- **House Committee:** Judiciary
- **Rule:** Modified-Open
- **Yeas:** 163; **Nays:** 0

## **LOCAL CALENDAR**

### **HB 851 - Sugar Hill, City of; incorporation of certain parcels of land into corporate limits; provide**

- BILL SUMMARY: A Bill to change the corporate limits of the City of Sugar Hill.
- **Authored By:** Rep. Brooks Coleman of the 97th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 166; **Nays:** 0

### **HB 862 - Fulton County; Board of Education; amend a definition; provisions**

- BILL SUMMARY: A Bill to amend an Act providing the Fulton County Board of Education a system for pension and retirement pay to teachers and employees.
- **Authored By:** Rep. Harry Geisinger of the 48th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 166; **Nays:** 0

### **HB 871 - Jeff Davis County; ad valorem tax for education; provide homestead exemption**

- BILL SUMMARY: A Bill to provide a homestead exemption from Jeff Davis County school district ad valorem taxes for educational purposes in the amount of 50 percent of the assessed value of the homestead for residents of that school district who are at least 65 but less than 70 years of age.
- **Authored By:** Rep. Chuck Sims of the 169th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 166; **Nays:** 0

### **HB 873 - Stephens County Public Facilities Authority Act; enact**

- BILL SUMMARY: A Bill to create the Stephens County Public Facilities Authority and to provide for its powers and duties.
- **Authored By:** Rep. Dan Gasaway of the 28th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 166; **Nays:** 0

### **HB 879 - Barrow County Community Improvement Districts Act; enact**

- BILL SUMMARY: A Bill to provide for the creation of one or more community improvement districts in Barrow County.
- **Authored By:** Rep. Terry England of the 116th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 166; **Nays:** 0

## **HB 880 - Barrow County; Redevelopment Powers Law; provide referendum**

- BILL SUMMARY: A Bill to authorize Barrow 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. Terry England of the 116th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 166; **Nays:** 0

*\* The House will reconvene Wednesday, February 5, at 10:00 AM, for its 17th Legislative Day.*

## **COMMITTEE ON RULES**

**The Committee on Rules has fixed the calendar for the 17th Legislative Day, Wednesday, February 5, and bills may be called at the pleasure of the Speaker.**

## **NEXT ON THE FLOOR**

### **HB 737 - Alcoholic beverages; malt beverages produced in private residences to be transported to other locations and consumed by the producer and other individuals; allow**

- BILL SUMMARY: HB 737 strikes Code Section 3-3-24.1 relating to the definition of "business establishment primarily engaged in the retail sale of alcoholic beverages in unbroken packages", and the penalty for person violating this code section.

HB 737 allows up to 128 ounces of malt beverages produced in a private residence to be transported to an unlicensed location and consumed by the producer, the owner of the unlicensed location, and any guests present at such location. HB 737 also stipulates that a governing authority must obtain a permit to hold home-brew special events within its jurisdiction.

- **Authored By:** Rep. Brett Harrell of the 106th
- **House Committee:** Regulated Industries
- **House Committee Passed:** 2/3/2014
- **Rule:** Modified-Structured

### **HB 784 - Alcoholic beverages; local authorization and regulation of sale of alcohol for consumption on the premises on Sundays during the St. Patrick's Day holiday period; allow**

- BILL SUMMARY: HB 784 allows for local authorization and regulation of the sale of alcoholic beverages for consumption on the premises on Sundays during the St. Patrick's Day holiday period.
- **Authored By:** Rep. Ron Stephens of the 164th
- **House Committee:** Regulated Industries
- **House Committee Passed:** 2/3/2014
- **Rule:** Modified-Structured

### **HB 824 - Banking and finance; term "interest" does not include certain fees agreed upon by financial institution and depositor in written agreement between parties; clarify**

- BILL SUMMARY: This bill clarifies the difference between financial charges and interest. Overdraft and nonsufficient funds, delinquency or default charges, returned payments, stop payment and automated teller machine charges are not to be considered interest.
- **Authored By:** Rep. Richard Smith of the 134th
- **House Committee:** Banks & Banking
- **House Committee Passed:** 2/3/2014
- **Rule:** Structured

# **COMMITTEE ACTION REPORT**

## **Banks & Banking**

### **HB 750 - Banking and finance; exemption to mortgage loan originator licensing requirements for employees of certain nonprofit corporations; provide**

- BILL SUMMARY: A bill allowing employees of nonprofit corporations that are mortgage loan originators, to be exempt from obtaining a mortgage loan originator license.
- **Authored By:** Rep. S. Frye of the 118th
- **Committee Action:** Do Pass by Committee Substitute

## **Banks & Banking**

### **HB 809 - Commerce and trade; bad faith assertions of patent infringement; prohibit**

- BILL SUMMARY: This bill defines the terms used and associated with filing a demand letter asserting a patent infringement. It also provides guidance to state superior courts on determining the validity of a bad faith assertion of patent infringement. It further provides the courts with guidance for determining damages if patent infringement has occurred.
- **Authored By:** Rep. Bruce Williamson of the 115th
- **Committee Action:** Do Pass by Committee Substitute

## **Game, Fish, & Parks**

### **HB 740 - Game and fish; full-time military personnel on active duty and dependents be considered residents of state for procuring certain hunting and fishing licenses; provide**

- BILL SUMMARY: HB 740 amends Code Section 27-1-2, relating to definitions regarding game and fish, by revising the definition of the term 'resident'. For the purpose of issuing or procuring noncommercial hunting and fishing licenses, 'resident' is revised to include all active duty military personnel and their dependents. However, the residency requirements defined in paragraph (5) of subsection (e) of Code Section 27-2-3.1 shall apply for all lifetime licenses, honorary licenses, and the landowner exemption. Also, for military personnel and their dependents, honorary licenses and the landowner exemption shall require a three month domicile requirement.
- **Authored By:** Rep. Kevin Tanner of the 9th
- **Committee Action:** Do Pass

## **Game, Fish, & Parks**

### **HB 786 - Game and fish; Type I nonresident infant lifetime sportsman's license; add**

- BILL SUMMARY: HB 786 amends Code Section 27-2-3.1, relating to hunting licenses, sportsman's licenses, and lifetime sportsman's licenses. The requirements for a nonresident to be considered eligible to acquire a lifetime sportsman's license are revised to allow all individuals less than two years of age. The fee for a nonresident Type I (Infant) license shall be the same as a resident Type I (Infant) license. For the purpose of procuring a lifetime sportsman's license, the term 'resident' is revised; the domicile requirement is changed from 12 months to three months and the requirement of a secondary form of identification is removed. For Type I and Type Y lifetime licenses a copy of a certified copy of a birth certificate shall be required to show age and parentage or a court order or other legal document establishing parental rights to show parentage. A replacement fee of up to \$10.00 shall be required to replace all lost, stolen, or destroyed licenses and the exception for Type S licenses has been removed.
- **Authored By:** Rep. David Knight of the 130th
- **Committee Action:** Do Pass

## **Intragovernmental Coordination**

### **HB 800 - Lanier County; probate judge; provide nonpartisan elections**

- BILL SUMMARY: A Bill to provide for the nonpartisan election of the Probate Judge of the Probate Court of Lanier County.
- **Authored By:** Rep. Jason Shaw of the 176th
- **Committee Action:** Do Pass

## Judiciary

### **HB 654 - Guardian; change provisions relating to appointment of a testamentary guardian**

- BILL SUMMARY: House Bill 654 amends 29-2-4(b)(1)-(4) as follows:

Paragraph (1) establishes that unless the minor has another living parent, letters of guardianship shall be issued to the individual nominated in the will to serve as testamentary guardian without a hearing, so long as they are willing. If an objection is filed, letters of guardianship are mailed after a hearing on the objection.

Paragraph (2) establishes that notice is sent by certified mail or statutory overnight delivery in the following line of inheritance: 1) adult siblings if any; 2) grandparents and; 3) great-grandparents, aunts, uncles, great aunts and uncles. 9Section 2, lines 47-50, the names and address of those required to be served shall be provided by the individual who files the petition to probate the will.)

Paragraph (3) establishes that objections to the listed testamentary guardian must be filed within 10 days of being served with notice. The objection shall include facts with reasonable specificity as to why the testamentary guardian is unfit.

Paragraph (4) establishes hearing requirement of 30 days in which to hear an objection. The guardian shall be nominated testamentary guardian unless the objector, by clear and convincing evidence, establishes that the guardian is unfit. The process shall not delay the will being probated.

- **Authored By:** Rep. Mary Margaret Oliver of the 82nd

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

## Judiciary

### **HB 758 - Bartow County; Superior Court; change terms of court**

- BILL SUMMARY: HB 758 amends O.C.G.A. 15-6-3 by changing the terms of Court in Bartow County from February, August, April, and October, to February, May, August, and November.

- **Authored By:** Rep. Christian Coomer of the 14th

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

## Judiciary

### **HB 794 - Compact for a Balanced Budget; adopt**

- BILL SUMMARY: The bill proposes to amend the US Constitution by adding a Balanced Budget requirement. To create this amendment the bill creates a compact that would bind Georgia and its legislatures with every other State and their Legislatures that agree to be bound by this compact.

Spending: the US government cannot spend more than its total receipts, unless the excess spending is financed exclusively by government issued debt via "strict conformity with this article."

Requirements: Outstanding debt cannot exceed authorized debt. (Authorized debt is initially set at 105% of the outstanding debt) (i.e. outstanding debt can only be 5% greater than it currently is.) Any issuance or incurrence of any debt in excess of the authorized debt is void.

Enforcing the Requirements: If the outstanding debt exceeds 98% of the authorized debt limit then the President must publicly designate specific expenditures to be impounded up to an amount which prevents the outstanding debt from exceeding the authorized debt. It is an impeachable misdemeanor if the President fails to designate or enforce the required impoundment.

Increasing the Debt: Congress can increase the authorized debt. But only if: (1) Within 60 days after referral to the States; (2) It is approved by a simple majority of the legislatures of the States and; (3) the approval is not conditioned, as a quid pro quo, on any inducements requiring an expenditure or tax levy.

Amending Congress's Taxing Power: Any bill for an increased general revenue tax (ie sales, income, and value-added tax but not including imposts and duties) must be approved by 2/3 roll call vote all the members of each house. However, this bill gives Congress permission to redo the whole tax system, as well as allows Congress to reduce or eliminate: tax deductions, exemptions, or credits that are allowed under an existing general revenue tax. (ie Congress cannot increase taxes by a general revenue tax, but can back door such changes through curtailing certain provisions, this also again changes Congress's taxing powers).

The Terms of Compact Contract: Through legislation a Member State may withdraw so long as less than  $\frac{3}{4}$  of the States have joined the compact, once  $\frac{3}{4}$  of the States have agreed to the compact, then no State can withdrawal.

Convention: This compact also contemplates the creation of a commission who can only lobby for legislation in favor of the compact, and must meet at least once a year. It will be comprised of members from Member States (each Member Stat is

entitled to have at least 3 Members in the Commission). There must be at least 2 Member States for the commission to be created. The commission will have a chief administrator, how this is determined is not stated, and he or she can appoint other people on the commission and make other rules for membership. The Commissioner can be fired by the Commission. The Commission has duties to give notice of relevant dates to parties who ask on meetings and relevant information regarding the compact (it's very ambiguous). Members must take a temporary leave of absence from public office while attending the Convention. Violation of the rules results in member forfeiture.

- **Authored By:** Rep. Paulette Braddock of the 19th

- **Committee Action:** Do Pass

## **Public Safety & Homeland Security**

### **HB 773 - Crimes and offenses; discharging a gun or pistol near public highway or street; change provisions**

- **BILL SUMMARY:** HB 773 amends Part 1 of Article 4 of Chapter 11 of Title 16 of the O.C.G.A. to change provisions relating to discharging a gun or pistol near a public highway or street. Under HB 773, a firearm is defined as any handgun, rifle, or shotgun, and a public highway means every public street, road, and highway in this state. The legislation states that it shall be unlawful for any person without legal justification to discharge a firearm on or within 50 yards of a public highway. Exceptions include: indoor/outdoor sport shooting ranges, facilities used for firearm/hunting safety courses sponsored by unit of government, and any business location of any person, firm, dealer, or pawnbroker licensed as a firearm dealer pursuant to Chapter 16 of Title 43. This Code section shall not apply to any person engaged in legal hunting which occurs within 50 yards of a public highway, and any person who violates subsection (b) of the Code section shall be guilty of a misdemeanor.

- **Authored By:** Rep. Robert Dickey of the 140th

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

## **Public Safety & Homeland Security**

### **HB 837 - Probation services; provide for legislative findings and intent; provisions**

- **BILL SUMMARY:** HB 837 amends Article 6 of Chapter 8 of Title 42 of the O.C.G.A. relating to agreements for probation services by stating that it is the General Assembly's intention to authorize judges to use county and municipal probation services providers to supervise misdemeanor and county and city ordinance offenders in the same manner as the judges of the superior courts use state probation services as a way to supervise felony offenders. The bill also amends Code Section 42-8-100 by taking out the language of "county or municipal court" in relation to jurisdiction of probation matters as well as adding a list of terms and conditions for probation that the probationer shall follow including avoiding injurious and vicious habits, remaining in a specified location, and wear a device capable of tracking the location of the probationer. HB 837 allows judges to toll warrants when all efforts have been exhausted to find a running probationer while adding to the Code section an effective date for the tolling of the sentence and discussing related fines and time already served on probation.

- **Authored By:** Rep. Mark Hamilton of the 24th

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

## **Public Safety & Homeland Security**

### **HB 869 - Traffic-control devices; safe operation of motorcycles or light weight motor vehicle through inoperative signal; provide**

- **BILL SUMMARY:** HB 869 amends Code Section 40-6-20 of the O.C.G.A. relating to obedience to traffic-control devices as to provide for the safe operation of a motorcycle or other lightweight motor vehicles through inoperative traffic-control signals. Under this bill, if a traffic-control device/signal fails to change thereby prohibiting the driver to proceed due to the lightweight design of a motorcycle or any other motor vehicle and has been stopped for no less than 60 seconds, the driver can then treat the device/signal as a stop sign.

- **Authored By:** Rep. John P Yates of the 73rd

- **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

**Wednesday, February 05, 2014**

TBD	<u>FLOOR SESSION (LD 17)</u>	HOUSE CHAMBER- 10:00am
8:00 AM - 9:00 AM	<u>INSURANCE</u>	606 CLOB
8:00 AM - 10:00 AM	<u>Appropriations Higher Education</u>	415 CLOB
8:00 AM - 9:30 AM	<u>Setzler Subcommittee of Judiciary Non-Civil</u>	132 CAP
8:30 AM - 9:30 AM	<u>AGRICULTURE &amp; CONSUMER AFFAIRS</u>	403 CAP
9:00 AM - 10:00 AM	<u>Professions, Boards &amp; Commissions Subcommittee of Regulated Industries</u>	514 CLOB
9:00 AM - 10:00 AM	<u>Appropriations Economic Development</u>	406 CLOB
9:30 AM - 10:00 AM	<u>RULES</u>	341 CAP
1:00 PM - 2:00 PM	<u>Academic Achievement Subcommittee of Education</u>	515 CLOB
1:00 PM - 2:00 PM	<u>Appropriation Public Safety</u>	406 CLOB
1:00 PM - 1:30 PM	<u>General Government Subcommittee of Governmental Affairs</u>	415 CLOB
1:00 PM - 3:00 PM	<u>JUDICIARY NON-CIVIL</u>	132 CAP
1:00 PM - 2:00 PM	<u>Ad Valorem Subcommittee of Ways &amp; Means</u>	133 CAP
1:30 PM - 2:00 PM	<u>Elections Subcommittee of Governmental Affairs</u>	415 CLOB
2:00 PM - 3:00 PM	<u>CODE REVISION</u>	415 CLOB- POSTPONED
2:00 PM - 3:00 PM	<u>RETIREMENT</u>	515 CLOB
2:00 PM - 4:00 PM	<u>Appropriations Health</u>	406 CLOB
2:00 PM - 3:00 PM	<u>STATE PROPERTIES</u>	403 CAP- CANCELED
2:00 PM - 3:00 PM	<u>DEFENSE &amp; VETERANS AFFAIRS</u>	415 CLOB
2:00 PM - 4:00 PM	<u>Fleming Subcommittee of Judiciary Civil</u>	514 CLOB
2:00 PM - 4:00 PM	<u>Jacobs Subcommittee of Judiciary Civil</u>	403 CAP
2:00 PM - 3:00 PM	<u>BUDGET &amp; FISCAL AFFAIRS</u>	506 CLOB
2:00 PM - 3:00 PM	<u>Tax Reform Subcommittee of Ways &amp; Means</u>	133 CAP
3:00 PM - 5:00 PM	<u>Appropriations Human Resources</u>	415 CLOB
3:00 PM - 5:00 PM	<u>EDUCATION</u>	606 CLOB
3:00 PM - 4:00 PM	<u>REGULATED INDUSTRIES</u>	506 CLOB
3:00 PM - 5:00 PM	<u>PUBLIC SAFETY &amp; HOMELAND SECURITY</u>	515 CLOB
3:00 PM - 4:00 PM	<u>Income Tax Subcommittee of Ways &amp; Means</u>	133 CAP
4:00 PM - 5:00 PM	<u>Welch Subcommittee of Juvenile Justice</u>	506 CLOB
4:00 PM - 5:00 PM	<u>Public Finance &amp; Policy Subcommittee of Ways &amp; Means</u>	133 CAP

*\* This meeting schedule is up to date at the time of this report, but meeting dates and times are subject to change. To keep up with the latest schedule please visit [www.house.ga.gov](http://www.house.ga.gov) and click on [Meetings Calendar](#).*