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TOMORROW'S FORECAST

* The House will reconvene for its 19th Legislative Day on Friday, February 7, at 9:00 AM.

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



GEORGIA HOUSE OF REPRESENTATIVES

Thursday, February 06, 2014

18th Legislative Day

DAILY REPORT

2014

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TODAY ON THE FLOOR

RULES CALENDAR

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

- **House Committee:** Game, Fish, & Parks

- **Rule:** Modified-Open

- **Yeas:** 169; **Nays:** 0

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

- **House Committee:** Game, Fish, & Parks

- **Rule:** Modified-Open

- **Yeas:** 170; **Nays:** 0

HB 791 - Taxation; redrawing census tracts shall not disqualify a designated military zone as a less developed area; provide

- BILL SUMMARY: A bill that prevents areas adjacent to designated military zones from losing qualification, as a less developed area, because of redrawing of census tracts.

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

- **House Committee:** Economic Development & Tourism

- **Rule:** Modified-Open

- **Yeas:** 168; **Nays:** 0

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

- **House Committee:** Intragovernmental Coordination

- **Rule:** Open

- **Yeas:** 108; **Nays:** 56

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

- **House Committee:** Banks & Banking

- **Rule:** Modified-Open

- **Yeas:** 169; **Nays:** 0

LOCAL CALENDAR

HB 888 - Rutledge, City of; residents 65 years of age or older; provide homestead exemption

- BILL SUMMARY: A Bill to provide a homestead exemption from City of Rutledge ad valorem taxes for municipal purposes in the amount of \$10,000 of the assessed value of the homestead for residents of that city who are 65 years of age or older.
- **Authored By:** Rep. Doug Holt of the 112th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 0

HB 893 - Bibb County; ad valorem tax; county purposes; provide homestead exemption

- BILL SUMMARY: A Bill to provide a homestead exemption from Bibb County ad valorem taxes for county purposes in the amount of \$30,000 of the assessed value of the homestead for residents of that county who own homestead property with a fair market value of \$85,000 or less and whose income does not exceed \$30,000.
- **Authored By:** Rep. James Beverly of the 143rd
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 0

HB 896 - Macon-Bibb County Community Enhancement Authority; change membership of authority

- BILL SUMMARY: A Bill to amend an Act to create the Macon-Bibb County Community Enhancement Authority.
- **Authored By:** Rep. James Beverly of the 143rd
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 0

HB 901 - Porterdale, City of; provide for certain appropriations; provisions

- BILL SUMMARY: A Bill to provide a new charter for the City of Porterdale.
- **Authored By:** Rep. Pam Dickerson of the 113th
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 0

HB 905 - Brookhaven, City of; provide for legislative findings and intent; provisions

- BILL SUMMARY: A Bill to amend an Act incorporating the City of Brookhaven.
- **Authored By:** Rep. Scott Holcomb of the 81st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 0

HB 906 - Chamblee, City of; provide legislative findings and intent; provisions

- BILL SUMMARY: A Bill to create a new charter for the City of Chamblee.
- **Authored By:** Rep. Scott Holcomb of the 81st
- **House Committee:** Intragovernmental Coordination - Local
- **Rule:** Open
- **Yeas:** 155; **Nays:** 0

** The House will reconvene Friday, February 7, at 9:00 AM, for its 19th Legislative Day.*

COMMITTEE ON RULES

The Committee on Rules has fixed the calendar for the 19th Legislative Day, Friday, February 7, and bills may be called at the pleasure of the Speaker.

NEXT ON THE FLOOR

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

- **House Committee:** Judiciary

- **House Committee Passed:** 2/4/2014

- **Rule:** Modified-Open

HB 766 - Work Based Learning Act; enact

- BILL SUMMARY: This bill replaces the Youth Apprenticeship Program with a work-based learning program. It allows students in the 11th and 12th grades or a student over age 16 to enroll in a work-based learning program. Work-based learning programs are designed to provide students with real-world work opportunities to prepare them for a future career. Students who enter into this program will be granted leave time from school to work as a student learner for any business enterprise approved by the local work based learning coordinator. This bill also defines eligibility requirements for work based learning coordinators.

- **Authored By:** Rep. Eddie Lumsden of the 12th

- **House Committee:** Education

- **House Committee Passed:** 2/5/2014

- **Rule:** Modified-Open

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

- This bill was recommitted back to the Rules committee with a motion made on the House floor by Chairman John Meadows.

- 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

- **House Committee:** Public Safety & Homeland Security

- **House Committee Passed:** 2/4/2014

- **Rule:** Modified-Structured

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
- **House Committee:** Public Safety & Homeland Security
- **House Committee Passed:** 2/4/2014
- **Rule:** Modified-Open

** The Rules Committee will next meet on Friday, February 7, at 8:30 AM, to set the Rules Calendar for the 20th Legislative Day.*

COMMITTEE ACTION REPORT

Industry and Labor

HB 714 - Labor; determination of eligibility for unemployment benefits of certain people performing certain services; provide changes

- BILL SUMMARY: HB 714 amends the law regarding unemployment insurance. It provides that private employees that work in seasonal jobs cannot receive unemployment insurance benefits during breaks in their employment if there is a reasonable expectation that their employment will resume at the end of the break. This law establishes parity with public sector seasonal employees. It becomes effective January 1, 2015.

- **Authored By:** Rep. Mark Hamilton of the 24th
- **Committee Action:** Do Pass by Committee Substitute

Interstate Cooperation

HR 1158 - Congress; establish national energy policy to strengthen access to and removal of impediment to domestic sources of energy; encourage

- BILL SUMMARY: A Resolution of the House of Representatives encouraging the Administration and Congress to establish a national energy policy that strengthens access to and removal of impediments to all available domestic sources of energy to improve its affordability and reliability.

- **Authored By:** Rep. Chuck Martin of the 49th
- **Committee Action:** Do Pass

Interstate Cooperation

HR 1159 - Congress; establish national energy policy to strengthen access to and removal of impediment to domestic sources of energy; encourage

- BILL SUMMARY: A Resolution by the General Assembly encouraging the Administration and Congress to establish a national energy policy that strengthens access to and removal of impediments to all available domestic sources of energy to improve its affordability and reliability.

- **Authored By:** Rep. Chuck Martin of the 49th
- **Committee Action:** Do Pass

Intragovernmental Coordination - Local

HB 892 - Forsyth County Community Improvement District Act; enact

- BILL SUMMARY: A Bill to provide for the creation of a community improvement district in Forsyth County.
- **Authored By:** Rep. Mike Dudgeon of the 25th
- **Committee Action:** Do Pass

Intragovernmental Coordination - Local

HB 902 - Forsyth County State Court; correct error in establishing terms of court; provisions

- BILL SUMMARY: A Bill to amend an Act creating the State Court of Forsyth County, so as to correct an error in establishing the terms of court.
- **Authored By:** Rep. Mike Dudgeon of the 25th
- **Committee Action:** Do Pass

Intragovernmental Coordination - Local

HB 909 - Winder, City of; change corporate limits

- BILL SUMMARY: A Bill to change the corporate limits of the City of Winder.
- **Authored By:** Rep. Terry England of the 116th
- **Committee Action:** Do Pass

Intragovernmental Coordination - Local

HB 912 - Manchester, City of; staggered terms of office for members of governing authority; provide

- BILL SUMMARY: A Bill to amend an Act incorporating the City of Manchester.
- **Authored By:** Rep. Debbie Buckner of the 137th
- **Committee Action:** Do Pass

Intragovernmental Coordination - Local

HB 916 - Baconton, City of; provide new charter

- BILL SUMMARY: A Bill to provide a new charter for the City of Baconton.
- **Authored By:** Rep. Jay Powell of the 171st
- **Committee Action:** Do Pass

Judiciary

HB 1 - Georgia Uniform Civil Forfeiture Procedure Act; enact

- BILL SUMMARY: House Bill 1, the Georgia Uniform Civil Forfeiture Procedure Act (UCFPA), seeks to bring uniformity, clarity, and accountability to Georgia civil forfeiture procedure. The UCFPA provides for increased transparency and oversight in the civil forfeiture process by strengthening the mandatory reporting requirements of all law enforcement agencies. It standardizes civil forfeiture procedure statewide, collecting the disparate provisions into one uniform procedure to be followed for almost all civil forfeitures. Ultimately, the Act aims to strike a balance between promotion of public safety – by ensuring that individuals proven guilty of a crime are forced to turn over the fruits of their illegal activity – and protection of innocent individuals, to ensure their property will not be taken.

The UCFPA provides for due process safeguards to assist innocent owners in recovering seized property. By simplifying the standard for initiating a claim to recover wrongfully seized property, the Act reduces the likelihood that procedural pitfalls will deprive an innocent owner of his or her day in court. A provision of the Act allows the judge in a civil forfeiture action to grant either party additional opportunity for investigation into the facts and issues involved. Additionally, it permits anyone who has a claim to the seized property to appear before the court to defend his or her interest. The Act eliminates imposition of the State's litigation costs on an unsuccessful forfeiture claimant; this provision encourages innocent owners to bring their claims by eliminating the chilling effect generated by the possibility of paying the legal expenses of both sides in addition to forfeiting the seized property.

Increased accountability and transparency in the civil forfeiture process are strongly emphasized themes in the UCFPA. The Act strengthens and standardizes the mandatory reporting requirements of all law enforcement agencies by requiring agencies to

provide a proper accounting of all property and funds derived from seizures and forfeitures, and recognize that the proceeds become public funds through the forfeiture. The UCFPA defines the specific purposes for which law enforcement agencies may use forfeited proceeds. Payment of salaries or rewards to law enforcement officers would not be considered an authorized expenditure. The Act resolves ambiguities in reporting procedure by authorizing the creation of a standardized reporting form and placing the duty to submit the form annually on all law enforcement agencies, which have control over expenditure of any forfeiture proceeds.

- **Authored By:** Rep. Wendell Willard of the 51st
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

HB 820 - Condominium associations; standing to participate in litigation under certain circumstances; clarify provisions

- **BILL SUMMARY:** Revision of § 44-3-106(h), relating to the powers and responsibilities of condominium associations and tort actions. The added language states that it is the public policy of the state that standing shall not be changed in any way by any provision of any contract or document, including the condo instruments that were created prior to the expiration of the declarant's right to control the association as set forth in § 44-3-101(a).
- **Authored By:** Rep. Jay Powell of the 171st
- **Committee Action:** Do Pass by Committee Substitute

Judiciary

HB 902 - Forsyth County State Court; correct error in establishing terms of court; provisions

- **BILL SUMMARY:** A Bill to amend an Act creating the State Court of Forsyth County, so as to correct an error in establishing the terms of court.
- **Authored By:** Rep. Mike Dudgeon of the 25th
- **Committee Action:** Do Pass

Judiciary

HR 1161 - District attorney; active-status member of State Bar of Georgia from three to seven years; increase - CA

- **BILL SUMMARY:** Changes the age eligibility for District Attorney Candidates from 3 years to 7 years and be an active member of the State Bar of Georgia.
- **Authored By:** Rep. J. Caldwell of the 131st
- **Committee Action:** Do Pass by Committee Substitute

Motor Vehicles

HB 762 - Motor vehicles and traffic; procedure for passing sanitation vehicles; provide

- **BILL SUMMARY:** HB 762 requires that motor vehicles approaching a garbage truck in operation of its duty to both slow down and pass if allowable by law, or to stop and wait if passing is not allowed by a double yellow line. Violation of this code section would result in a fine of not more than \$500.00.
- **Authored By:** Rep. Brett Harrell of the 106th
- **Committee Action:** Do Pass

Motor Vehicles

HB 877 - Motor vehicles; local authorities ability to regulate use of personal transportation vehicles on roadways and designated paths and lanes; provide

- **BILL SUMMARY:** HB 877 updates and modernizes the Georgia Motor Vehicle Code as it relates to Motorized Carts and Personal Transportation Vehicles. It establishes Georgia as the model for all states in the use of these vehicles on public paths and roadways.
- **Authored By:** Rep. Jay Roberts of the 155th
- **Committee Action:** Do Pass

Natural Resources & Environment

HB 741 - Water resources; issuance of sludge land application permits; revise certain requirements

- BILL SUMMARY: This bill revises the requirements related to the issuance of sludge land application permits by adding a subsection stating that the EPD director shall require any applicant to provide written verification that the proposed facility complies with applicable local zoning or land use ordinances, if any.

The bill also requires that the public hearings conducted by EPD and the applicant for the permit be within the jurisdiction of the local governing authority where the proposed sludge land application site is located.

- **Authored By:** Rep. Kevin Tanner of the 9th

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

Public Safety & Homeland Security

HB 875 - Safe Carry Protection Act; enact

- BILL SUMMARY: HB 875 amends Code Section 8-3-202, Article 2 of Chapter 3, Article 4 of Chapter 11, and Part 2 of Article 4 of Chapter 12 of Title 16, Code Section 35-3-34, and Article 3 of Chapter 3 of Title 37 of the O.C.G.A. This Act shall be known and may be cited as the "Safe Carry Protection Act".

Under Part 1, it shall be unlawful as a condition of tenancy in public housing to require any prohibition or restriction of any lawful possession of a firearm within an individual dwelling. The bill also provides for the right to possess a handgun or long gun in any private passenger motor vehicle by stating that the property owner has the right to exclude or eject a person who is in possession of a weapon or long gun on their private property. The language of a place of worship and a bar is struck out from the areas deemed unauthorized for a person to carry a weapon or long gun, and stipulations for license holders to carry in government buildings, transportation furnished by a school, at school functions, and in school safety zones are provided along with exceptions.

Section 1-7 of HB 875 defines a 'controlled substance', 'convicted', and a 'dangerous drug' while listing persons who no weapons carry license shall be issued to including any person who has been convicted of a felony of this state or any other state, any person who has been adjudicated mentally incompetent to stand trial, and any person who has been adjudicated not guilty by reason of insanity at the time of the crime pursuant to Part 2 of Article 6 of Chapter 7 of Title 17. The bill also provides for the application for weapons carry license or a renewal license, fingerprinting, investigation of a weapons carry license applicant, revocation, loss, or damage to a license, weapons carry license specifications, penalties for altering or counterfeiting of a license, licenses for former law enforcement officers, temporary renewal licenses, situations in which an applicant may seek relief when denied a license, data base prohibition, and the verification process.

Section 1-9 allows for a local board of education to allow certain personnel to possess/carry weapons, but the policy shall include approval to carry and provide for training, approved list of weapons, and a method of securing weapons. This section also provides for access to a commercial service airport for a person possessing a weapon or a long gun.

Section 1-11 gives the authority to regulate said weapons and long guns to the General assembly while providing certain exemption cases in which county and municipal government has the power to regulate.

HB 875 further outlines the emergency powers of the governor in relation to the sale, dispensing, and transportation of alcoholic beverages, explosives, or combustibles while also amending the O.C.G.A relating to aggravated assault (16-5-21), aggravated battery (16-5-24), contributing to the delinquency of a minor (16-12-1), loitering upon school premises or within school safety zones (20-2-1180), school safety plans (20-2-1185), and private detectives and security agencies permits to carry firearms (43-38-10).

- **Authored By:** Rep. Rick Jasperse of the 11th

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

Transportation

HB 775 - Highways, bridges and ferries; creation of transit authority within metropolitan areas; repeal population provision

- BILL SUMMARY: HB 775 amends Code Section 32-9-9 of the O.C.G.A. relating to the creation of the transit authority within a metropolitan area by repealing a population provision in which "metropolitan area" means the area of any city within this state, along with the area's suburban to such city as each suburban area shall be delimited by special Act of the General Assembly.

The bill also requires an intergovernmental agreement between the transit authority or county public transit provider currently in operation and the new transit authority so that the new transit authority will be able to commence and continue operations under Code Section 32-9-9.

- **Authored By:** Rep. John Carson of the 46th

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

Ways & Means

HB 683 - Income tax; certain allocations to owners of certain entities shall be governed by Georgia law; provide

- BILL SUMMARY: This legislation would clarify the Low Income Housing tax credit (§48-7-29.6), to ensure that a members of an entity who receive such credits, may utilize their allocated credits and that an IRS determination of member is not necessary to use such a credit.

- **Authored By:** Rep. John Carson of the 46th

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

Ways & Means

HB 719 - Sales and use tax; continuation of joint county municipal tax; provide

- BILL SUMMARY: This legislation amends Article 2 of §48-8, and establishes that all local option sales tax distribution certificates that were filed between June 4, 2010 and October 18, 2013 are valid and will stay in effect until a subsequent distribution certificate is filed with the Department of Revenue.

- **Authored By:** Rep. Kevin Tanner of the 9th

- **Committee Action:** Do Pass

Ways & Means

HB 788 - Ad valorem tax; property owned by University System of Georgia operated by third party; provide exemption

- BILL SUMMARY: This legislation amends §48-5-41 to provide from a real property ad valorem exemption for properties held in title by the Board of Regents of Georgia but that are leased to a third party for purposes of operating such properties. Additionally the legislation provides for a ballot referendum and such ballot question.

- **Authored By:** Rep. Lynne Riley of the 50th

- **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

Friday, February 07, 2014

TBD	FLOOR SESSION (LD 19)	HOUSE CHAMBER- 9:00am
8:30 AM - 9:00 AM	RULES	341 CAP
11:00 AM - 12:00 PM	Fleming Subcommittee of Judiciary Civil	132 CAP (15 minutes Upon Adjournment)
1:00 PM - 3:00 PM	Jacobs Subcommittee of Judiciary Civil	132 CAP
1:00 PM - 3:00 PM	Pak Subcommittee of Judiciary Non-Civil	606 CLOB

** 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 and click on [Meetings Calendar](#).*