



Monday, March 23, 2015

House Budget & Research Office
(404) 656-5050

House Communications Office
(404) 656-0305

- The House will reconvene for its 35th Legislative Day on Tuesday, March 24 at 10:00 AM.
- The Rules committee will meet at 9:00 AM.
- Five bills / resolutions are expected to be debated on the floor.

Today on the Floor

Motions to Insist

HB 76 General appropriations; State Fiscal Year July 1, 2015 - June 30, 2016

Bill Summary: House Bill 76 is the \$21.7 billion state budget plan for Fiscal Year 2016 beginning July 1, 2015. In the budget, 55 percent of state revenues are designated for education. Health and human services agencies are authorized to receive 22.2 percent of available funds, and 8.7 percent of revenues are allocated for public safety agencies.

Authored By: Rep. David Ralston (7th)

Rule Applied:

Motions to Insist: *(This motion to insist established the creation of a Conference Committee)*

Rules Calendar

HR 601 House Study Committee on Saltwater Intrusion into Coastal Aquifers; create

Bill Summary: HR 601 creates the House Study Committee on Saltwater Intrusion into Coastal Aquifers. The study committee shall be chaired by the chair of the House Natural Resources and Environment Committee and be composed of five members. The committee may meet up to five times and may file a report or a copy of the meeting minutes with the Clerk of the House of Representatives before the committee is abolished on December 1, 2015.

Authored By: Rep. Lynn Smith (70th)

Rule Applied: Modified-Structured

House Committee: Natural Resources & Environment

Committee Action: 03-19-2015 Do Pass

Floor Vote: Yeas: 159 Nays: 0

Amendments:

SB 62 Probate Courts; remove certain limitations on the jurisdiction of the probate courts over the game and fish violations

Bill Summary: SB 62 amends Code Section 15-9-30.3, relating to jurisdiction over Game and Fish Code misdemeanor violations, by removing the restriction to the right and power of the probate court to conduct trials, receive pleas, and impose sentences upon defendants charged with violations which are of a high and aggravated nature and a first violation of hunting deer at night with the aid of a light.

Authored By: Sen. Tyler Harper (7th)

Rule Applied: Modified-Structured

House Committee: Game, Fish, & Parks

Committee Action: 03-19-2015 Do Pass

Floor Vote: Yeas: 163 Nays: 2

Amendments:

SB 112 Wildlife; general hunting provisions; prohibit the removal, transportation; game animal or game bird carcasses

Bill Summary: Senate Bill 112 amends Part 1 of Article 1 of Chapter 3 of Title 27, relating to general hunting provisions, by repealing 27-3-45; information required before removal of carcasses from place of killing regarding deer hunting; failure to affix deer tag prior to storage or processing; and by adding a new Code section. The new Code section, 27-3-29, directs the board of Natural Resources to promulgate rules and regulations establishing harvest recording and reporting requirements for game animals and game birds. Except in compliance with all applicable rules and regulations of the board, it shall be unlawful for any person killing a game animal or game bird to remove the carcass from the place of killing or to transport the carcass of a game animal or game bird killed by another person. It shall also be unlawful for any cold storage or processing facility to possess the carcass of any game animal or game bird. Finally, it will be unlawful to obtain, possess, or otherwise use multiple sets of licenses or harvest records for the purpose of circumventing the bag limit of any game animal or game bird. Any person violating this Code section shall be guilty of a misdemeanor and punished by a fine of not more than \$200 or by imprisonment for not more than 30 days, or both.

Authored By: Sen. Tyler Harper (7th)
House Committee: Game, Fish, & Parks

Rule Applied: Modified-Structured
Committee: 03-19-2015 Do Pass
Action:

Floor Vote: Yeas: 160 Nays: 4

Amendments:

Local Calendar**HB 618 Seminole County; Board of Education; provide compensation of chairperson and members**

Bill Summary: A Bill to provide for the compensation of the chairperson and members of the Seminole County Board of Education.

Authored By: Rep. Winfred Dukes (154th)
House Committee: Intragovernmental Coordination - Local

Rule Applied:
Committee: 03-20-2015 Do Pass
Action:

Floor Vote: Yeas: 114 Nays: 44

Amendments:

HB 619 Cochran/Bleckley Airport Authority; create

Bill Summary: A Bill to create the Cochran/Bleckley Airport Authority.

Authored By: Rep. James Epps (144th)
House Committee: Intragovernmental Coordination - Local

Rule Applied:
Committee: 03-20-2015 Do Pass
Action:

Floor Vote: Yeas: 114 Nays: 44

Amendments:

HB 623 Macon Water Authority Act; ability to operate a storm water utility; provide

Bill Summary: A Bill to amend an Act known as the 'Macon Water Authority Act', so as to revise the powers of the authority.

Authored By: Rep. James Epps (144th)
House Committee: Intragovernmental Coordination - Local

Rule Applied:
Committee: 03-20-2015 Do Pass
Action:

Floor Vote: Yeas: 114 Nays: 44

Amendments:

HB 625 Athens, City of; Clarke County; school district; superintendent to purchase supplies, hire labor, and make repairs to facilities; provide authority

Bill Summary: A Bill to amend an Act providing for the merger of the existing independent school system of the City of Athens and the existing school district in the County of Clarke, so as to provide for the authority of the superintendent.

Authored By: Rep. Spencer Frye (118th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-20-2015 Do Pass
Floor Vote: Yeas: 114 Nays: 44 **Amendments:**

HB 626 Lakeland, City of; provide a new charter

Bill Summary: A Bill to provide a new charter for the City of Lakeland.

Authored By: Rep. Jason Shaw (176th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-20-2015 Do Pass
Floor Vote: Yeas: 114 Nays: 44 **Amendments:**

HB 628 Fulton County; ad valorem tax; exemption amount to \$60,000 after two-year phase-in period; increase

Bill Summary: A Bill to provide a homestead exemption from Fulton County ad valorem taxes for county purposes in the amount of \$15,000 of the assessed value of the homestead for residents of that county, so as to increase the exemption amount to \$60,000 after a two-year phase-in period.

Authored By: Rep. Brad Raffensperger (50th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-20-2015 Do Pass
Floor Vote: Yeas: 109 Nays: 54 **Amendments:**

HB 630 Fulton County; homestead exemption to \$30,000 after a two-year phase in for certain residents 70 or older; change

Bill Summary: A Bill to provide a homestead exemption from Fulton County ad valorem taxes for county purposes in the amount of \$30,000 of the assessed value of the homestead after a two-year phase in for certain residents of the county who are 70 years of age or older.

Authored By: Rep. Brad Raffensperger (50th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-20-2015 Do Pass
Floor Vote: Yeas: 108 Nays: 54 **Amendments:**

SB 197 Buford, City of; provide for corporate boundaries

Bill Summary: A Bill to provide a new charter for the City of Buford.

Authored By: Sen. Renee Unterman (45th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-20-2015 Do Pass
Floor Vote: Yeas: 114 Nays: 44 **Amendments:**

SB 211 McDuffie County; change the annual salary of the coroner

Bill Summary: A Bill to amend an Act placing the county officers of McDuffie County on an annual salary.

Authored By: Sen. Jesse Stone (23rd) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-20-2015 Do Pass
Floor Vote: Yeas: 114 Nays: 44 **Amendments:**

SB 212 Leslie, City of; provide for a new charter; incorporation, boundaries, and powers

Bill Summary: A Bill to provide a new charter for the City of Leslie.

Authored By: Sen. Greg Kirk (13th) **Rule Applied:**

House Committee: Intragovernmental Coordination -
Local

Floor Vote: Yeas: 114 Nays: 44

Committee Action: 03-20-2015 Do Pass

Amendments:

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 35th Legislative Day, Tuesday, March 24, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Tuesday, March 24, at 9:00 AM, to set the Rules Calendar for the 36th Legislative Day.

HR 419 United States Congress; extend authorization for Augusta Canal National Heritage Area to receive federal funding from the National Park Service through 2021; encourage

Bill Summary: HR 419 encourages the United States Congress to extend authorization for the Augusta Canal National Heritage Area to receive funding from the National Park Service through 2021.

Authored By: Rep. Barbara Sims (123rd)
House Committee: State Properties

Rule Applied: Modified-Open
Committee: 03-19-2015 Do Pass
Action:

HR 613 United States Environmental Protection Agency (EPA); withdraw the proposed Clean Air Plan; encourage

Bill Summary: HR 613 encourages the United States Environmental Protection Agency (EPA) to withdraw the proposed Clean Power Plan and supports the comments on the Clean Power Plan submitted to EPA by the Georgia Environmental Protection Division, the Public Service Commission, and the Georgia Attorney General.

Authored By: Rep. Chuck Martin (49th)
House Committee: Natural Resources & Environment

Rule Applied: Modified-Structured
Committee: 03-19-2015 Do Pass
Action:

SB 2 Education; student who completes certain requirements relating to postsecondary coursework awarded a high school diploma

Bill Summary: Senate Bill 2 allows local boards of education to award a high school diploma to an enrolled student who meets four requirements: 1) completes rigorous coursework at a postsecondary institution; 2) is 16 years or older and has completed at least two English classes, two math courses, two science courses, two social studies courses, and one health and physical education class; 3) has received a score of admission acceptable on the readiness assessment required by the postsecondary institution; and 4) completes an (a) associate degree program, (b) a technical college diploma program and all postsecondary academic education, technical education and training prerequisites for any required certifications or licenses to work in the field, or (c) at least two technical college certificates of credit programs in one specific career pathway, all postsecondary academic education, and technical education and training prerequisites or licenses required to work in the field.

Authored By: Sen. Lindsey Tippins (37th)
House Committee: Education

Rule Applied: Modified-Open
Committee: 03-02-2015 Do Pass
Action:

SB 72 "Tanja's Law"; provide measure of equivalency in punishment of crimes committed against police dogs in performance of their official duties

Bill Summary: SB 72, known as "Tanja's Law," revises the penalties for harming a law enforcement animal in the performance of its duties by creating tiers of offenses, defining terms, and providing for exceptions. Previously, a person intentionally causing serious or debilitating injury was automatically guilty of a felony.

The law deletes the previous definition of the crime and creates four punishment tiers. A fourth-degree offense occurs when a person intentionally causes physical harm to a law enforcement animal. Offenders are guilty of a misdemeanor of a high and aggravated nature and shall receive up to 12 months in prison and a fine not exceeding \$5,000, or both.

A third-degree offense occurs when a person intentionally causes physical injury to a law enforcement animal through the use of a deadly weapon likely to cause harm. Offenders are guilty of a misdemeanor

of a high and aggravated nature and shall be punished by not less than six and not more than 12 months in prison and a fine not exceeding \$5,000, or both.

A second-degree offense occurs when a person knowingly or intentionally shoots a law enforcement animal with a firearm or causes a debilitating physical injury to a law enforcement animal. Offenders are guilty of a felony and shall receive at least one year but not more than five years in prison and a fine not exceeding \$25,000, or both.

A first-degree offense occurs when a person knowingly or intentionally causes the death of a law enforcement animal. Offenders are guilty of a felony and shall receive at least 18 months but not more than five years in prison and a fine not exceeding \$50,000, or both.

In addition to any other penalty, the offender must pay restitution equal to all necessary costs of veterinary treatment, the full cost of replacing the animal and its handlers, to the agency that was the owner of the animal.

The Code section applies only to animals harmed in or because of the performance of their duties. It does not prevent people, who are attacked by a law enforcement animal without command, from defending themselves. The section excludes euthanasia of the animals by the law enforcement agency. Whenever a law enforcement animal dies in the line of duty, the GBI must perform a necropsy on the animal.

SB 72 also revises the statute prohibiting harassing phone calls to include harassing or threatening electronic communications. A person commits this offense by repeatedly telephoning or communicating with another person via electronic communication for the purposes of harassing, molesting, threatening or intimidating. The crime will be considered to have been committed where the phone call or electronic communication was sent or where such communication was received. There is no merger for such offenses and the prohibition does not apply to protected speech.

Finally, SB 72 also fills a gap in Georgia's criminal incest statute to include half-blood relatives.

Authored By: Sen. Jeff Mullis (53rd)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 03-18-2015 Do Pass by Committee Substitute

SB 94 Criminal Procedure; require a procedure for enhancing witness identification accuracy

Bill Summary: SB 94 requires law enforcement agencies that conduct live lineups, photo lineups, or showups, to adopt written policies for using such procedures. These policies must contain the following requirements: if using a live lineup procedure, a person who does not know the identity of the suspect must be the one to conduct the procedure; or if using a photo lineup, the person conducting the procedure must either not know the identity of the suspect or use a procedure that randomly places photographs in folders so that the conductor cannot physically see which photograph is being viewed by the witness until the procedure is complete.

In either case, the witness must be instructed that the perpetrator of the alleged crime may or may not be present in the lineup.

There must be at least four individuals who are not suspects ("fillers") in live lineups and at least five in photo lineups. These fillers must generally resemble the witness's description of the perpetrator.

The witness who makes the identification, whether at a live lineup, photo lineup, or showup, must make and document a clear statement in their own words about their confidence level in the identification. These policies will be subject to public disclosure. If an agency fails to comply with these requirements, the judge may consider such failure, but is not required to exclude identification evidence obtained.

SB 94 also amends the law regarding search and seizure.

1) Search Incident to Arrest - The bill first revises the Code section regarding search incident to a lawful arrest. Most of the changes in this section are stylistic. For example, the bill allows an officer to search the individual arrested, as well as the area within the person's immediate presence, for the purposes of

"discovering or seizing any property" which may have been used in the crime. The definition of property now includes intangible items in an attempt to ensure that items other than traditional physical instrumentalities are seizable.

The bill also changes language regarding exactly what an officer may seize in the course of a search incident to arrest. Also, the bill strikes language about what may be seized in a search incident to arrest and replaces it with the defined term "contraband." The definition of contraband is the same as the language that the term replaced.

2) Issuance of Search Warrants - Under current law, when seeking a search warrant, an officer is required to establish by probable cause that a crime is being or has been committed. This bill adds an option for an officer to establish by probable cause that a crime "is about to be committed." The bill expands which judges are allowed to issue search warrants. Under current law, the only judicial officers authorized to issue search warrants are those "authorized to hold a court of inquiry to examine into an arrest of an offender against the penal laws" as well as retired, senior, or emeritus judges if the active judge authorizes such judges to issue warrants. This bill allows "any judge of a court of this state" to issue warrants.

3) What A Search Warrant May Be Issued For - A judicial officer may issue a warrant for "stolen" property, but the bill strikes the word "embezzled." Also, the bill allows a search warrant to be issued for the seizure of any property that is evidence of the commission of the crime. The bill removes the exemption for private papers that are only tangible evidence of the commission of the crime. A warrant may also be issued for the search or seizure of an individual who has been kidnapped "or unlawfully restrained." Finally, if an individual has a warrant for his/her arrest and is located within another person's property, a warrant may be issued for the search of that other person's property. The changes for what may be seized in a search incident to arrest are also applied to the provisions regarding what may be seized when effecting a valid search warrant.

4) Use of Certain Devices in Search Warrant Execution - This bill allows other personnel acting on behalf of a peace officer to assist in the execution of a warrant. The bill also allows the use of a "device" when executing a warrant. A device means an electronic instrument used for overhearing sounds or for observing images. This also includes instruments that can be used to intercept a wire, oral, or electronic communication. Certain instruments are excluded from the definition of device, such as hearing aids or "trap and trace" devices.

5) Records of Search Warrants and Supporting Documents - This bill prevents search warrants from being subject to public inspection until they are executed or returned as not executed. This applies to the documents supporting the warrant as well.

6) Ex Parte petition for Sealing of Search Warrants and Supporting Documentation - SB 94 allows a prosecuting attorney to petition the court ex parte for a search warrant and supporting documentation to be filed under seal with the clerk. The prosecutor must show "reasonable cause" to believe that disclosure of such materials may endanger the life of an individual, cause an individual to flee from prosecution, lead to destruction of evidence/ intimidation of a witness, or otherwise jeopardize an investigation or delay a trial. A judge may order such sealing for up to 60 days, and the period of sealing cannot extend beyond the return of indictment or filing of accusation where evidence seized may be admitted. If an individual is not available, a copy of the warrant must be left in a conspicuous place. If the warrant has been ordered to be sealed, however, a copy may not be left in a conspicuous place.

7) Written Return of Property Seized - Current law allows a written return of property seized to be made before any judicial officer named in the search warrant or before "any court of competent jurisdiction." This bill requires such report to be made before a judicial officer of the same court as the judicial officer who issued the search warrant.

8) Special Masters in Serving Search Warrants - Current law requires an attorney to serve as a special master and accompany a peace officer when serving a search warrant. This bill provides that an attorney shall not be appointed if there is a significant risk that his/her own interests or duties to another client will be affected by such appointment.

9) Prosecuting Attorney May Designate Individual to Observe Search Warrant Execution - If practicable, the peace officer serving the search warrant should not participate in the search, but should only accompany the special master who is conducting the search. This bill allows the prosecuting attorney to designate an attorney or investigator to observe the execution of the search warrant.

PART 2 Search and Seizure of Wire and Electronic Communications

1) Subpoena, Court Order, or Warrant requiring Disclosure of Wire/Electronic Communications - This bill first states that a peace officer, prosecuting attorney, or attorney general may require wire/electronic communications to be disclosed by subpoena, court order, or search warrant as provided by the laws of the United States. A subpoena may be issued if it is shown that the material relates to a pending criminal investigation. A provided or electronic communication service must provide the contents of and records pertaining to such communications when there is a request made that complies with the laws of the United States. If a search warrant requires the production of wire/electronic communications, it shall have state-wide application or application as provided by federal law when issued by a judicial officer with jurisdiction over the crime under investigation. If allowed under federal law, judges having jurisdiction over the crime being investigated may issue orders requiring production of such communications. These orders shall have state-wide application or application as provided by federal law. A person violating this section may be subject to contempt.

2) Installation of Tracking Device by Issuance of Search Warrant - The bill allows, by search warrant, the installation of a tracking device on a physical object provided that the warrant identifies the object and specifies a reasonable length of time, which cannot exceed 45 days, that the device will be used. The installation of the device must take place in the county within the jurisdiction of the warrant-issuing judge. The device can be monitored from any location in the state. The warrant must mandate that the installation is completed within 10 days of the warrant's issuance. The officer must also make a written return of such warrant to the judicial officer named in the warrant or before any court of competent jurisdiction to the judge named in the warrant. On the return, the officer must enter the exact date and time the device was installed or monitoring began if no installation was required. They must also list the dates and times the devices were used. The warrant must be returned within 10 days of the tracking ending. Also within 10 days of the termination of tracking, the officer must serve the search warrant on the person or owner of the physical object being tracked. A judge may order this service be delayed if he finds certain circumstances exist, such as endangerment or flight of the individual.

3) Pen Register and Trap and Trace Device - A district attorney or attorney general is authorized to apply for an order authorizing the use or extension of a Pen Register or Trap and Trace device. The application must be to a judge of the superior court of the district attorney's judicial circuit or any judicial circuit if the applicant is an Attorney General. The judge may enter such order if authorized by the law of the United States and the order shall have state-wide application. An officer designated in writing by the attorney general or district attorney may install and use a pen register or trap and trace device before obtaining an order authorizing such installation and use if: he/she determines there are grounds upon which an order could be granted; within 48 hours of installation, an order approving the installation and use is issued; or he/she reasonably determines that a situation exists that involves danger of death or injury or conspiratorial activities indicative of organized crime.

4) Inapplicable to Officers Ferreting Out or Watching Suspected Criminals for the Purposes of Apprehension - Except when using a device in a way that would constitute a violation of the eavesdropping statute (OCGA §16-11-62), the provisions of this bill do not apply to officers ferreting out offenders or suspects for the purposes of apprehending those individuals.

5) Investigation Warrants - A judge of a superior court having jurisdiction over prosecution of a crime under investigation may issue an investigation warrant permitting the use of a device for surveillance of an individual or place to the extent such surveillance is consistent with and subject to terms and procedure of federal law. The warrant issued shall have state-wide application. Any evidence obtained is only admissible in courts that have misdemeanor AND felony jurisdiction. An individual acting in good faith reliance on a court order or legislative authorization will have a complete defense to a criminal or civil action brought under this or any other law.

6) Emergency Situations - Notwithstanding the requirements of this bill, a district attorney or attorney general may intercept wire/electronic communications or record an individual's activities without a court authorization if: they determine that there is an emergency situation which requires such interception or recording; and grounds exist upon which an investigation warrant could be issued, and they apply for such warrant within 48 hours of the surveillance or monitoring begins. If such warrant is granted, the execution must comply with this bill and must cease after the emergency situation stops. If the warrant is denied, the evidence obtained prior to it is confidential and may not be used in court.

(7) Consent to interception - Notwithstanding the other provisions of this bill, wire/electronic communication may be intercepted when the party intercepting is party to the communication OR when one of the parties consents to interception.

8) Recording and Dissemination of a Minor's Communications - Communication of a child under the age of 18 may be recorded and divulged either by court order, parent, guardian, or legal custodian. If sought by a court order, the judge shall only issue such an order if he/she finds by probable cause that a crime has been committed or he/she finds that the child understands that the conversation is to be recorded and the child agrees to participate. A parent or guardian may also record, monitor, or intercept the communications of a child if the communication takes place through a device within the family home. The parent may disclose the contents of communication to the authorities if he/she reasonably believes the conversation is evidence of criminal conduct. Such disclosed evidence is admissible in a judicial proceeding.

9) Remedies--Exclusionary and Criminalization - Evidence obtained in a manner that violates this bill is inadmissible. Privileged information is also not admissible notwithstanding anything in this bill. A violation of this bill constitutes a felony.

Authored By: Sen. Charlie Bethel (54th)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 03-18-2015 Do Pass by Committee Substitute

Committee Actions

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

Banks & Banking Committee

SB 95 Real Estate Brokers and Salespersons; provide for acceptance of funds in a separate, federally insured account at financial institution by such persons

Bill Summary: Senate Bill 96 amends Code Section 43-40-20, relating to trust or escrow accounts for real estate businesses, and Code Section 43-40-25, relating to unfair trade practices, by broadening the types of accounts and institutions in which brokers can deposit client trust funds. The law currently requires brokers to deposit down payments, earnest money, security deposits, and other client trust funds in a federally-insured bank checking account in Georgia. SB 96 provides brokers with the flexibility to deposit customer funds into any type of account in any financial institution in Georgia.

Authored By: Sen. Michael Williams (27th)
House Committee: Banks & Banking
Committee Action: 03-23-2015 Do Pass

Defense & Veterans Affairs Committee

SB 203 Georgia World War I Centennial Commission; create; membership, powers, and duties

Bill Summary: HB 203 would create the Georgia World War I Centennial Commission in order to plan for the upcoming World War I Centennial. The Commission will be composed of six members, two appointed from the Governor, Lt. Governor, and the Speaker of the House. The any funds expended by the commission may only be obtained through private donations.

Authored By: Sen. Hunter Hill (6th)
House Committee: Defense & Veterans Affairs
Committee Action: 03-23-2015 Do Pass by Committee Substitute

Economic Development & Tourism Committee

SR 26 Joint House and Senate Coastal Greenway Study Committee; create

Bill Summary: SR 26 creates the Joint House and Senate Coastal Greenway Study Committee. A paved trail from Savannah to St Marys known as the Coastal Georgia Greenway has been proposed. SR 26 creates a 13-member committee to study and report on the conditions, needs, issues, and problems of the trail. The committee will be composed of four senators, four house members, the Commissioner of the Department of Transportation, the Commissioner of Natural Resources, the Commissioner of the Department of Community Affairs, the Director of the Department of Economic Development, and the Executive Director of the Coastal Georgia Greenway.

Authored By: Sen. William Ligon, Jr. (3rd)
House Committee: Economic Development & Tourism
Committee Action: 03-23-2015 Do Pass

Education Committee

SB 133 Opportunity School District; establishment; provide for definitions; supervision of public elementary and secondary schools that are failing

Bill Summary: Senate Bill 133 is the enabling legislation for SR 287 and establishes the "Opportunity School District"(OSD) within the Office of Student Achievement. The superintendent of the OSD is appointed by and answers solely to the governor, but the Senate confirms the new superintendent. The OSD may select up to 20 failing schools per year to administer, with no more than 100 schools under its supervision at any time. Failing schools are those which have earned an F rating for three consecutive years. The schools may be taken over for: direct management by the

OSD; shared management with the local board; reconstitution as an OSD Charter School; or closed if it is not enrolled at full capacity. The OSD superintendent is given the ability to retain or let go of any leader, teacher, or staff member at an opportunity school. Any teacher who is not retained will still be an employee of the local board. Opportunity schools which become OSD charter schools will be monitored by the State Charter Schools Commission. OSD's superintendent can select, approve, or remove the school principal and the governing board members for OSD charter schools. This Act begins with the 2017-2018 school year, if the Constitutional amendment is ratified.

Authored By: Sen. Butch Miller (49th)

House Education

Committee:

Committee

Action:

03-23-2015 Do Pass by Committee Substitute

SR 287 Opportunity School District; allow the General Assembly to authorize the establishment; provide for state intervention for failing schools -CA

Bill Summary: This constitutional amendment allows the legislature to establish the "Opportunity School District", a separate school district within the state to reconstitute failing schools. The ballot question asks: "Shall the Constitution of Georgia be amended to allow the state to intervene in chronically failing public schools in order to improve student performance?"

Authored By: Sen. Butch Miller (49th)

House Education

Committee:

Committee

Action:

03-23-2015 Do Pass

Health & Human Services Committee

HR 612 House Study Committee on Fibroids Education and Awareness; create

Bill Summary: HR 612 creates the House Study Committee on Fibroids Education and Awareness. The committee will be composed of seven members and the chairperson of the committee will have the ability to call as many meetings as he or she deems necessary; however, members will only be compensated for up to five meetings. If the committee adopts any specific findings or recommendations, the chairperson shall file a report with the Clerk of the House of Representatives. The committee shall be abolished on December 1, 2015.

Authored By: Rep. Sharon Cooper (43rd)

House Health & Human Services

Committee:

Committee

Action:

03-23-2015 Do Pass

HR 640 Joint Study Committee on Health, Education, and School-Based Health Centers; create

Bill Summary: HR 640 creates the House Study Committee on Health, Education, and School-Based Health Centers. The committee will be composed of five members who will make recommendations on the creation of a state-wide plan to promote the development and funding of comprehensive school-based health centers in the underserved communities in Georgia.

Authored By: Rep. Bruce Broadrick (4th)

House Health & Human Services

Committee:

Committee

Action:

03-23-2015 Do Pass by Committee Substitute

HR 641 Joint Study Committee on Children's Mental Health; create

Bill Summary: HR 641 creates the House Study Committee on Children's Mental Health. The committee will be composed of five members and the chairperson of the committee will have the ability to call as many meetings as he or she deems necessary; however, members will only be compensated for up to five meetings. If the committee adopts any specific findings or recommendations, the chairperson shall file a report with the Clerk of the House of Representatives. The committee shall be abolished on December 1, 2015.

Authored By: Rep. Katie Dempsey (13th)

House Committee:	Health & Human Services	Committee Action:	03-23-2015 Do Pass by Committee Substitute
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SB 109 Health; clarify the use and effectiveness of Physician Orders for Life-Sustaining Treatment forms

Bill Summary: SB 109 requires the Department of Public Health to develop and make available a Physician Orders for Life-Sustaining Treatment (POLST) form. A POLST form provides directions regarding a patient's end of life care. This form may be voluntarily executed by a physician, a patient or a patient's authorized person in the event that the patient does not have decision-making capacity.

Additionally, SB 109 provides immunity to health care providers, health care facilities, and any other person who treats a patient using the directions provided in the POLST form, even if death or injury to the patient ensues. In the event that the POLST form conflicts with the end of life care directions provided in some other legally authorized instrument, such as an advanced directive, the most recent instrument will take precedence.

Authored By:	Sen. Nan Orrock (36th)		
House Committee:	Health & Human Services	Committee Action:	03-23-2015 Do Pass by Committee Substitute

SB 114 Advanced Practice Registered Nurses; number of advanced practice registered nurses a delegating physician enter a protocol agreement; provisions

Bill Summary: SB 114 exempts advanced practice registered nurses who practice in a community service board from the limitations contained in subsection (g) of Code Section 43-34-25, relating to the number of nurses with whom a physician may enter into a nurse protocol agreement.

Authored By:	Sen. Chuck Hufstetler (52nd)		
House Committee:	Health & Human Services	Committee Action:	03-23-2015 Do Pass

SB 131 Department of Behavioral Health and Developmental Disabilities; provide for certification; policies and procedures

Bill Summary: SB 131 revises Code Section 37-1-29 relating to crisis stabilization units by revising the powers of the Department of Behavioral Health and Developmental Disabilities. The department originally had the authority to license such units. Under the provisions of this bill, the department will be authorized to certify, instead of license, such units. Additionally, if the department makes any changes to policies or procedures relating to crisis stabilization units, the changes must be posted on the department's website within 45 days.

Authored By:	Sen. Mike Dugan (30th)		
House Committee:	Health & Human Services	Committee Action:	03-23-2015 Do Pass by Committee Substitute

SB 194 Pharmacists and Pharmacies; certain provisions shall not apply; facility engaged solely in the distribution of dialysate, drugs; patients with end stage renal disease

Bill Summary: SB 194 exempts facilities engaged solely in the distribution of dialysate, drugs, or devices used to perform kidney dialysis from the general provisions relating to pharmacists and pharmacies in O.C.G.A 26-4-1; however, such facilities must meet certain criteria in order to be exempt from this Code section. These criteria require that the dialysate, drugs, or devices used to perform kidney dialysis be: approved by the Food and Drug Administration; lawfully registered with the state; held and delivered in their original state; delivered only by the manufacturer upon receipt of a physician's order; and delivered directly to a patient or health care provider.

Additionally, SB 194 allows a pharmacist, without authorization from the practitioner, to refill prescriptions for topical ophthalmic products at 70 percent of the predicted days of use. Additionally, a practitioner can authorize refills earlier than 70 percent of the predicted days of use.

Authored By: Sen. Rick Jeffares (17th)
House Committee: Health & Human Services
Committee Action: 03-23-2015 Do Pass by Committee Substitute

Higher Education Committee

HR 71 House Study Committee on the HOPE Scholarship Program Award Amount for Critical Fields of Study; create

Bill Summary: House Resolution 71 creates the House Study Committee on the HOPE Scholarship Program Award Amount for Critical Fields of Study. The study committee members will study the conditions, needs, issues, and problems where workforceshortfalls occur in critical career fields.

Authored By: Rep. J. Craig Gordon (163rd)
House Committee: Higher Education
Committee Action: 03-23-2015 Do Pass by Committee Substitute

HR 642 Joint Study Committee on Postsecondary Education and Employment Options for Individuals with Intellectual and Developmental Disabilities; create

Bill Summary: House Resolution 642 creates the House Study Committee on Postsecondary Education and Employment Options for Individuals with Intellectual and Developmental Disabilities. The study committee will have five members with the Speaker of the House appointing the Chair and stand abolished on December 1, 2015.

Authored By: Rep. Katie Dempsey (13th)
House Committee: Higher Education
Committee Action: 03-23-2015 Do Pass by Committee Substitute

Human Relations & Aging Committee

HR 618 House Study Committee on Adult Day Services; create

Bill Summary: Creates the House Study Committee on Adult Day Services, provides for membership, composition, duties, and reporting requirements. The committee is charged with investigating access to adult day health centers for elderly or fragile citizens, primarily on Medicaid.

Authored By: Rep. Valerie Clark (101st)
House Committee: Human Relations & Aging
Committee Action: 03-23-2015 Do Pass by Committee Substitute

Intragovernmental Coordination - Local Committee

HB 627 Lake Allatoona Preservation Authority; repeal Act

Bill Summary: A Bill to repeal an Act creating the Lake Allatoona Preservation Authority.

Authored By: Rep. Scot Turner (21st)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-23-2015 Do Pass

HB 631 Cherokee County; Board of Ethics; define a term

Bill Summary: A Bill creating the Board of Ethics of Cherokee County, so as to define a term and to provide for limitation of liability.

Authored By: Rep. Wesley Cantrell (22nd)
House Committee: Intragovernmental Coordination - Local
Committee Action: 03-23-2015 Do Pass

HB 633 Atlanta, City of; independent school district ad valorem tax for education; residents 70 years of age or older; provide homestead exemption

Bill Summary: A Bill to provide a homestead exemption from City of Atlanta independent school district ad valorem taxes for educational purposes in the amount of the assessed value of the homestead for residents of that school district who are 70 years of age or older.

Authored By: Rep. Beth Beskin (54th)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-23-2015 Do Pass

HB 634 Lawrenceville, City of; amend corporate boundaries

Bill Summary: A Bill to amend the corporate boundaries of the City of Lawrenceville.

Authored By: Rep. Valerie Clark (101st)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-23-2015 Do Pass

HB 636 Vidalia, City of; levy an excise tax

Bill Summary: A Bill to authorize the governing authority of the City of Vidalia to levy a hotel/motel tax.

Authored By: Rep. Greg Morris (156th)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-23-2015 Do Pass

HB 637 Hazlehurst, City of; provide a new charter

Bill Summary: A Bill to provide a new charter for the City of Hazlehurst.

Authored By: Rep. Greg Morris (156th)
House Committee: Intragovernmental Coordination - Local **Committee Action:** 03-23-2015 Do Pass

Judiciary Non-Civil Committee**SB 99 Conduct of Proceedings; reversal on appeal; judge expresses an opinion regarding proof in a criminal case; change provisions**

Bill Summary: SB 99 revises the provisions for when a judge may express his opinion to a jury about the guilt of the accused or whether a fact has been proved; this bill makes it an error for a judge to do so during any phase of a criminal trial. If a judge expresses his opinion regarding the guilt of the accused (not whether a fact has been proved), the Supreme Court, Court of Appeals, or trial court is required to grant a new trial. A party alleging a violation under this bill must make a contemporaneous objection, outside the presence of the jury, and inform the court of the specific grounds for the objection. The court is then charged with giving a curative instruction to the jury, if appropriate. Failure to object precludes appellate review unless the violation constitutes plain error which affects the substantial rights of the parties.

Authored By: Sen. John Kennedy (18th)
House Committee: Judiciary Non-Civil **Committee Action:** 03-23-2015 Do Pass

SB 134 Speed Detection Devices; provide for a rebuttable presumption for law enforcement agencies' use of speed detection devices

Bill Summary: SB 134 expands the rebuttable presumption against law enforcement agencies that derive more than 40 percent of that agency's budget based on the use of speed detection devices to include fines from speeding violations that exceed 17 mph over the speed limit in the calculation for

determining that agency's percentage of budget derived from speeding violations.

Authored By: Sen. Jesse Stone (23rd)

House Judiciary Non-Civil

Committee:

Committee
Action:

03-23-2015 Do Pass by Committee
Substitute

SB 160 Alcoholic Beverages; revise penalties for a violation of Code Section 3-3-23

Bill Summary: SB 160 changes provisions regarding the punishment for unlawfully selling or furnishing alcohol to people under 21-years old and for underage people possessing alcohol. This bill requires an officer to arrest by issuance of a citation to a person violating the provisions of O.C.G.A. §3-3-23 (a minor in possession of alcohol and furnishing alcohol to a minor). In addition to a citation, the officer may effect a custodial arrest of a person violating the provisions of this bill if the officer has probable cause to believe that the person is intoxicated to the extent that he/she poses a danger to himself or the person/property of another. The citation must enumerate the specific charges against the person and the date which they are required to appear and answer the charges. In lieu of the appearance date, the citation may provide that the person will be notified later about the date they are required to appear and answer the charges.

Authored By: Sen. Michael Williams (27th)

House Judiciary Non-Civil

Committee:

Committee
Action:

03-23-2015 Do Pass by Committee
Substitute

SB 195 Bonds and Recognizances; increase fees allowed for continuing education programs

Bill Summary: SB 195 raises the annual maximum fee for continuing education programs for professional bondsmen from \$125 to \$250.

The bill also requires the judge at a bond forfeiture proceeding to issue a bench warrant for the principal's arrest when the principal fails to appear.

Finally, the bill provides that judgement shall not be rendered on a forfeiture of any appearance bond if it is shown that the principal on the bond did not attend because he/she was deported or removed from the United States by federal authorities.

Authored By: Sen. Michael Williams (27th)

House Judiciary Non-Civil

Committee:

Committee
Action:

03-23-2015 Do Pass by Committee
Substitute

Motor Vehicles Committee

SB 100 Motor Vehicles and Traffic; provide for applicability with current federal reg. in the safe operations of motor carriers and commercial motor vehicles

Bill Summary: Senate Bill 100 is a housekeeping bill for the Department of Public Safety (DPS). It defines a "for hire intrastate motor carrier" as a person engaged in the transportation of goods or passengers for compensation wholly within the boundaries of Georgia.

It defines an "intrastate motor carrier" as any self-propelled or towed vehicle that is used on a highway in intrastate commerce to transport property or passengers and: has a gross vehicle weight or gross combination weight of 10,001 lbs. or more; is designed or used to transport more than ten passengers, including the driver, and is not used to transport passengers for compensation; or is used to transport hazardous materials in any quantity.

It requires that all intrastate motor carriers must register with the Department of Revenue (DOR). Prior to the initial registration, all intrastate motor carriers must also provide evidence to DPS of the completion of an educational and safety seminar. All for-hire intrastate motor carriers must now file a certificate of insurance with DOR in order to be issued a registration.

This bill also eliminates all mandatory driver's license suspensions for non-highway safety related or non-moving violations; however, the legislation does maintain suspension provisions imposed for failure to provide child support under the 'Child Support Recovery Act'. It eliminates the driving restrictions on an "Interlock Limited Driving Permit" as defined in Title 40.

Authored By: Sen. Tyler Harper (7th)

House Motor Vehicles

Committee:

Committee
Action:

03-23-2015 Do Pass by Committee
Substitute

Committee Meeting Schedule

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](#).

Tuesday, March 24, 2015

10:00 AM	FLOOR SESSION (LD 35)	HOUSE CHAMBER
9:00 AM	Jacobs Subcommittee of Judiciary Civil	133 CAP
9:00 AM	RULES	341 CAP
1:00 PM	JUDICIARY CIVIL	132 CAP
1:00 PM	Academic Innovations Subcommittee of Education	506 CLOB
1:00 PM	HB 76 Conference Committee	403 CAP
2:00 PM	Special Subcommittee of Judiciary Civil	1 32 CAP
2:00 PM	Academic Achievement of Education	415 CLOB
2:00 PM	REGULATED INDUSTRIES	506 CLOB
2:00 PM	Special Subcommittee of Energy, Utilities & Telecommunications	216 CAP
3:00 PM	WAYS & MEANS	606 CLOB
3:00 PM	JUVENILE JUSTICE	506 CLOB
3:00 PM	PUBLIC SAFETY & HOMELAND SECURITY	406 CLOB

