



Friday, February 26, 2016

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- The House will reconvene for its 30th Legislative Day on Monday, February 29 at 10:00 a.m.
- The Rules committee will meet at 9:00 a.m.
- 27 bills / resolutions are expected to be debated on the floor.

Today on the Floor

Rules Calendar

HB 498 Professions and businesses; professional counseling; revise definition

Bill Summary: HB 498 adds the "ability to diagnose" to the definition of professional counseling, provided the counselor has graduate level education and supervised experience, or its equivalent, working with people with mental illness. The bill also adds to the definitions regarding psychologists by including: mental abilities, neuropsychological functioning, personality characteristics, and psychological testing. The bill also expands exceptions relating to psychological counseling by including: administering and interpreting educational and vocational tests, functional assessments, interest inventories, tests that evaluate marital and family functioning, mental health symptom screening, and assessment instruments that evaluate emotional, mental, behavioral, and interpersonal problems.

Authored By: Rep. Lee Hawkins (27th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-23-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 150 Nays: 4

Amendments:

HB 499 Motor vehicles; nonrenewal and nonissuance of driver's licenses for certain reasons; provide

Bill Summary: House Bill 499 provides for the use of speed monitoring cameras in school zones. "School zone" is defined as being one thousand feet from a school. The bill mirrors the law for "red light" cameras. Violation occurs when a vehicle exceeds the posted speed limit by ten miles per hour or more. It results in a \$125 civil penalty. There is no criminal penalty. Signs must be posted where the cameras are in use. For the first 30 days that a school zone camera is in use, violations only result in a warning.

Authored By: Rep. Alan Powell (32nd)
House Committee: Motor Vehicles

Rule Applied: Modified-Structured
Committee Action: 02-18-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 122 Nays: 27

Amendments:

HB 508 Appellate court judges; age of eligibility for certain benefits; decrease

Bill Summary: HB 508 amends O.C.G.A. 47-2-244 relating to retirement benefits payable to appellate court judges covered under the Employees' Retirement System of Georgia. The eligibility age to receive normal retirement benefits would decrease from age 65 to age 60. This bill has been certified by the Georgia Department of Audits and Accounts as a fiscal retirement bill. The actuary has determined that a state appropriation of \$455,000 per year for the next 20 years is required to implement the changes set forth in this bill. It is recommended that the employer contribution rate for appellate court judges be increased from 49.9 percent to 64.12 percent.

Authored By: Rep. Barry Fleming (121st)
House Committee: Retirement

Rule Applied: Modified-Structured
Committee Action: 01-27-2016 Do Pass

Floor Vote: Yeas: 141 Nays: 12

Amendments:

HB 654 Tattoo studios; post notification that certain tattoos could disqualify wearer from military service; require

Bill Summary: HB 654 imposes signage requirements for tattoo parlors warning individuals that certain types of tattoos can preclude an individual from military service. Failure to post such sign results in a staggered fine which increases per violation.

Authored By: Rep. Sandra Scott (76th)

House Committee: Regulated Industries

Rule Applied: Modified-Open

Committee Action: 02-23-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 76 Nays: 78

Amendments:

**This bill 'Failed' to receive the required constitutional majority for passage.*

HB 736 Special license plates; marine habitat conservation; provide

Bill Summary: House Bill 736 establishes a special license plate promoting marine habitat conservation. The funds raised by the sale of this license plate shall be disbursed to the Coastal Resources Division of the Department of Natural Resources to supplement marine habitat conservation, restoration, and enhancement projects undertaken to increase the abundance of marine fish and invertebrate species.

It also so contains provisions creating a special license plates for female veterans and the Omega Si Phi Fraternity.

Further, it provides that a spouse of a veteran is eligible for a free veterans' tag.

Authored By: Rep. Alex Atwood (179th)

House Committee: Motor Vehicles

Rule Applied: Modified-Structured

Committee Action: 02-18-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 158 Nays: 1

Amendments: AM 39 0153

HB 749 State government; councils to meet by teleconference or similar means; authorize

Bill Summary: HB 749 allows regional commission councils to meet by teleconference or similar means.

Authored By: Rep. William Werkheiser (157th)

House Committee: State Planning & Community Affairs

Rule Applied: Modified-Open

Committee Action: 02-22-2016 Do Pass

Floor Vote: Yeas: 152 Nays: 0

Amendments:

HB 781 Local government; individuals appointed to authorities and boards be United States citizens; require

Bill Summary: House Bill 781 provides that an individual appointed to state and local authorities, boards, councils, and commissions shall be a United States citizen, and a natural or lawful permanent resident.

Authored By: Rep. Brad Raffensperger (50th)

House Committee: Governmental Affairs

Rule Applied: Modified-Open

Committee Action: 02-24-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 93 Nays: 50

Amendments: Erhart AM, Oliver/Abrams AM

HB 795 Georgia Driver's Education Commission; transfer from Department of Driver Services to the Governor's Office of Highway Safety

Bill Summary: House Bill 795 transfers the Georgia Driver's Education Commission from the Department of Driver Services to the Governor's Office of Highway Safety. It also extends the sunset provision from June 30, 2016 until June 30, 2019.

Authored By: Rep. James Epps (144th)

House Committee: Motor Vehicles

Rule Applied: Modified-Open

Committee Action: 02-24-2016 Do Pass by Committee Substitute

Floor Vote: Yeas: 148 Nays: 4

Amendments: AM 40 0157

HB 893 Revenue and taxation; forms of payment; change certain provisions

Bill Summary: This legislation lowers and streamlines the electronic tax filing threshold for businesses and individuals from \$1,000 to \$250 for calendar year 2017, and to \$100 for 2018 and beyond. The Department of Revenue may then require electronic filing at or above said thresholds.

Authored By: Rep. Jay Powell (171st)
House Committee: Ways & Means

Rule Applied: Structured
Committee: 02-17-2016 Do Pass
Action:

Floor Vote: Yeas: 155 Nays: 0

Amendments:

HB 899 Commerce and trade; tobacco product manufacturers; revise and add certain definitions

Bill Summary: This legislation makes certain changes to Georgia's escrow laws relating to tobacco product manufacturers to satisfy state commitments relating to the tobacco master settlement agreement.

Authored By: Rep. Jay Powell (171st)
House Committee: Ways & Means

Rule Applied: Structured
Committee: 02-22-2016 Do Pass by Committee
Action: Substitute

Floor Vote: Yeas: 159 Nays: 0

Amendments:

HB 920 Health; hospitals and related institutions; restrict civil actions against passive investors in nursing homes and intermediate care homes

Bill Summary: HB 920 amends the Code relating to the regulation of hospitals and related institutions, so as to restrict civil actions against passive investors in nursing homes and intermediate care homes. The person or entity alleging to be a passive investor shall only be added as a party to a civil action or arbitration proceeding upon a determination by a court or arbitrator that such person or entity is in fact a licensee or management or consulting company, and the plaintiff shall bear the burden of proof of such proceedings. Where a defendant claims to be a passive investor and files a motion to dismiss or motion for summary judgment, on that basis, then all discovery, whether relating to the passive investor issue or other defendants, shall be automatically stayed until the court or arbitrator rules on such motion. The court or arbitrator shall not permit discovery relating to the motion to dismiss or for summary judgment and shall order a continuance.

A defendant that is a licensee, management or consulting company is precluded from identifying a non-party passive investor as a potentially at-fault nonparty for purposes of apportionment, unless that passive-investor nonparty has entered into a settlement agreement with the plaintiff or claimant.

Authored By: Rep. Trey Kelley (16th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee: 02-25-2016 Do Pass by Committee
Action: Substitute

Floor Vote: Yeas: 137 Nays: 14

Amendments:

HB 926 Pharmacists and pharmacies; regulation of certain facilities and entities involved in the wholesale, manufacture, and distribution of drugs; provide

Bill Summary: HB 926 requires the third-party logistics providers, defined in the bill as an entity that provides or coordinates warehousing, distribution, or other services on behalf of a manufacturer but does not take title to a drug or have general responsibility to direct the sale or other disposition of the drug, to be licensed by the Georgia State Board of Pharmacy (the "board"). This bill allows the board to issue temporary licenses in emergency situations that will expire at the end of the month following the third board meeting conducted after the issuance of such license. Additionally, temporary licenses may also be issued to a service member for a period of six months.

Authored By: Rep. Bruce Broadrick (4th)
House Committee: Health & Human Services

Rule Applied: Modified-Structured
Committee: 02-23-2016 Do Pass by Committee
Action: Substitute

Floor Vote: Yeas: 128 Nays: 33

Amendments:

HB 951 Sales and use tax; admissions to major sporting events; create exemption

Bill Summary: This legislation provides a sales and use tax exemption for admission to major sporting events determined by the commissioner of the Department of Revenue to generate at least \$50 million in state revenue, to include: the National Football League championship; any semifinal or championship of a national collegiate tournament; Major League Baseball; Major League Soccer; or National Basketball Association all-star game. The House and Senate have oversight and can overturn any decision to apply the exemption by the Department of Economic Development.

The bill also provides a "back-to-school" sales tax holiday to take place July 30 - July 31, 2016 and a tax exemption period for energy efficient products to take place from September 30 - October 2, 2016.

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| Authored By: | Rep. Chad Nimmer (178th) | Rule Applied: | Structured |
| House Committee: | Ways & Means | Committee Action: | 02-22-2016 Do Pass by Committee Substitute |
| Floor Vote: | Yeas: 127 Nays: 22 | Amendments: | |

HB 952 "Georgia Professional Regulation Reform Act"; enact

Bill Summary: HB 952 enacts the 'Georgia Professional Regulation Reform Act,' to provide for executive oversight of licensing boards and to establish consistent state policy for the regulation of certain professions and businesses.

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| Authored By: | Rep. Chad Nimmer (178th) | Rule Applied: | Modified-Open |
| House Committee: | Small Business Development | Committee Action: | 02-25-2016 Do Pass by Committee Substitute |
| Floor Vote: | Yeas: 145 Nays: 3 | Amendments: | |

HB 954 "Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act"; enact

Bill Summary: HB 954 establishes the 'Uniform Adult Guardianship and Conservatorship Proceedings Jurisdiction Act.' Under the provisions of this bill, when an individual is involved in guardianship proceedings and conservatorship proceedings, courts in Georgia can compel courts in other states to facilitate the process of transferring guardianship or conservatorship. Additionally, this bill enhances interstate recognition and enforcement of guardianship orders. Finally, this bill enables courts in Georgia and courts in other states to communicate, maintain records, and respond to requests for assistance.

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| Authored By: | Rep. Chuck Efrstration (104th) | Rule Applied: | Modified-Structured |
| House Committee: | Health & Human Services | Committee Action: | 02-23-2016 Do Pass by Committee Substitute |
| Floor Vote: | Yeas: 156 Nays: 0 | Amendments: | |

HB 959 Education; K-12; update and clarify certain provisions

Bill Summary: House Bill 959 revises sections of Title 20.

Section 1 clarifies local board of education members ability to speak with constituents, conduct town hall meetings, or discuss non-confidential matters with the media.

Section 2 updates provisions relating to awarding high school diploma for completion of postsecondary programs.

Section 3 updates Move on When Ready provisions.

Section 4 clarifies annual performance evaluations allowing sharing data between the Department of Education and the Office of Student Achievement as long as no personally identifiable information is shared. Section 5 allows students who earn an A, B, or C in a dual credit course to exempt their end-of-course assessment.

Section 6 repeals provisions relating to the Office of Student Achievement regarding non-profit corporations' prohibition from holding real property in fee simple.

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| Authored By: | Rep. Beth Beskin (54th) | Rule Applied: | Modified-Structured |
| House Committee: | Education | Committee Action: | 02-17-2016 Do Pass by Committee Substitute |
| Floor Vote: | Yeas: 157 Nays: 0 | Amendments: | |

HB 962 Human Services, Department of; creation, appointment, removal, and duties of a kinship care enforcement administrator; provide

Bill Summary: HB 962 creates a Kinship Care Enforcement Administrator position within the Department of Human Services which is approved and removed by the board, and subject to the approval of the governor. The purpose of the position is to coordinate and ensure compliance with federal regulations regarding children being raised by family members or close family friends.

Authored By: Rep. Stacey Abrams (89th)

House Committee: Juvenile Justice

Floor Vote: Yeas: 160 Nays: 0

Rule Applied: Modified-Open

Committee Action: 02-22-2016 Do Pass by Committee Substitute

Amendments:

HB 973 Public Safety, Department of; regulation of towing service providers operating on interstate highways; provisions

Bill Summary: House Bill 973 provides for an annual permit which allows towing service providers to operate on the interstate systems in Georgia. Permits are to be issued by the Department of Public Safety after the applicant has completed and operator safety course that meets or exceeds minimum standards recognized and adopted by the Towing and Recovery Incentive Program and has submitted the annual \$85 permit fee. Those found violating this Code Section are guilty of a misdemeanor. This statute has a sunset date of January 1, 2021.

Authored By: Rep. Christian Coomer (14th)

House Committee: Transportation

Floor Vote: Yeas: 130 Nays: 30

Rule Applied: Modified-Structured

Committee Action: 02-23-2016 Do Pass by Committee Substitute

Amendments: AM 39 0159

HB 979 Crimes and offenses; assault and battery; increase the punishment committed upon hospital emergency department and medical services personnel

Bill Summary: HB 979 increases the penalty for the offense of aggravated assault on hospital emergency and medical services personnel when those individuals are in the performance of their duty. The penalty is a felony punishable with imprisonment from five to 20 years.

Authored By: Rep. Johnnie Caldwell (131st)

House Committee: Judiciary Non-Civil

Floor Vote: Yeas: 147 Nays: 6

Rule Applied: Modified-Structured

Committee Action: 02-22-2016 Do Pass

Amendments:

HB 991 Ad valorem tax; property; change certain definitions

Bill Summary: This legislation provides that a tax commissioner shall waive the collection of penalties and interest resulting from a default on ad valorem taxes when that tax commissioner can determine that a default was due to a taxpayer's active duty military service in a combat zone and the taxpayer makes full payment within 60 days of returning from active duty.

Authored By: Rep. Bill Hitchens (161st)

House Committee: Ways & Means

Floor Vote: Yeas: 149 Nays: 0

Rule Applied: Structured

Committee Action: 02-22-2016 Do Pass by Committee Substitute

Amendments:

HB 1064 Public Safety, Department of; off-duty use of motor vehicles; revise provisions

Bill Summary: HB 1064 allows the commissioner of the Department of Public Safety to approve situations in which department vehicles may be used in off-duty work by off-duty officers in the Uniform Division, Motor Carrier Compliance Enforcement Section, and certified officers employed by the Capitol Police division.

Authored By: Rep. Bill Hitchens (161st)

House Committee: Public Safety & Homeland Security

Floor Vote: Yeas: 158 Nays: 0

Rule Applied: Modified-Open

Committee Action: 02-23-2016 Do Pass by Committee Substitute

Amendments:

HB 1072 Education; service cancelable loan fund; remove ineligibility for such loans for members of the Georgia National Guard also receiving HOPE

Bill Summary: House Bill 1072 relating to service cancelable education loans for Georgia National Guard members repeals a provision which would make students ineligible for the loan if they were also receiving HOPE scholarship or HOPE grant funds.

Authored By: Rep. Christian Coomer (14th) **Rule Applied:** Modified-Open
House Committee: Higher Education **Committee Action:** 02-23-2016 Do Pass
Floor Vote: Yeas: 144 Nays: 0 **Amendments:**

HB 1073 Juvenile Code; procedure in juvenile courts; change provisions

Bill Summary: HB 1073 provides that upon an appeal for the termination of parental rights, that adoption proceedings are stayed until the outcome of the Appeals Court.

Authored By: Rep. Brian Strickland (111th) **Rule Applied:** Modified-Structured
House Committee: Juvenile Justice **Committee Action:** 02-23-2016 Do Pass
Floor Vote: Yeas: 155 Nays: 0 **Amendments:**

HB 1084 State Soil and Water Conservation Commission; measuring farm and agriculture uses of water; eliminate certain powers and duties

Bill Summary: This legislation transfers the duties associated with measuring farm and agricultural water use from the Georgia Soil and Water Conservation Commission to the Georgia Forestry Commission.

Authored By: Rep. Penny Houston (170th) **Rule Applied:** Open
House Committee: Appropriations **Committee Action:** 02-24-2016 Do Pass
Floor Vote: Yeas: 150 Nays: 5 **Amendments:**

HB 1085 Social services; aging; transfer oversight of such services to the Department of Community Health

Bill Summary: HB 1085 shifts the responsibility for implementing community-based services for the elderly from the Department of Human Services to the Department of Community Health. As a result of HB 1085, the Division of Medical Assistance within the Department of Community Health will establish a community care unit. Additionally, the division must prepare an annual community care service plan to be incorporated into the State Plan for Medical Assistance.

Authored By: Rep. Katie Dempsey (13th) **Rule Applied:** Modified-Open
House Committee: Appropriations **Committee Action:** 02-24-2016 Do Pass
Floor Vote: Yeas: 158 Nays: 0 **Amendments:**

Postponed Until Next Legislative Day

HB 677 State government; casino gambling; provide limited number of licensed resort facilities; provisions

Authored By: Rep. Ron Stephens (164th) **Rule Applied:** Modified-Structured

HB 1053 Grady County; board of education; provide that members shall be elected on a nonpartisan basis

Authored By: Rep. Darlene Taylor (173rd) **Rule Applied:** Modified-Structured

HR 807 Casino resorts; local authorization of limited number of licensed resorts; provide - CA

Authored By: Rep. Ron Stephens (164th) **Rule Applied:** Modified-Structured

Local Calendar

HB 1002 College Park, City of; nonbinding, advisory referendum regarding airport noise issues; provide

Bill Summary: A Bill to provide for a nonbinding, advisory referendum for the electors of the City of College Park regarding airport noise issues.

Authored By: Rep. Virgil Fludd (64th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 02-25-2016 Do Pass
Floor Vote: Yeas: 153 Nays: 0 **Amendments:**

HB 1056 Pickens County; Airport Authority; reduce number of members

Bill Summary: A Bill to amend an Act creating the Pickens County Airport Authority, so as to reduce the number of members.

Authored By: Rep. Rick Jasperse (11th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 02-25-2016 Do Pass
Floor Vote: Yeas: 153 Nays: 0 **Amendments:**

HB 1067 Greene County; board of elections and registration; provide election supervisor

Bill Summary: A Bill to amend an Act to create a Board of Elections and Registration for Greene County, so as to provide for an election supervisor.

Authored By: Rep. Trey Rhodes (120th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 02-25-2016 Do Pass
Floor Vote: Yeas: 153 Nays: 0 **Amendments:**

HB 1074 Cobb County; judges of the state court; change compensation

Bill Summary: A Bill to amend an Act creating the State Court of Cobb County, so as to change the compensation of the judges of the state court.

Authored By: Rep. Albert Reeves (34th) **Rule Applied:**
House Committee: Intragovernmental Coordination - Local **Committee Action:** 02-25-2016 Do Pass
Floor Vote: Yeas: 153 Nays: 0 **Amendments:**

HB 1081 Jersey, City of; terms of the members of the governing authority; change

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

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| Authored By: | Rep. Bruce Williamson (115th) | Rule Applied: | |
| House Committee: | Intragovernmental Coordination - Local | Committee Action: | 02-25-2016 Do Pass |
| Floor Vote: | Yeas: 153 Nays: 0 | Amendments: | |

HB 1082 Blakely, City of; provide new charter

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

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| Authored By: | Rep. Gerald Greene (151st) | Rule Applied: | |
| House Committee: | Intragovernmental Coordination - Local | Committee Action: | 02-25-2016 Do Pass |
| Floor Vote: | Yeas: 153 Nays: 0 | Amendments: | |

HB 1083 Tift County; State Court; change the office of the solicitor to a full-time position

Bill Summary: A Bill to amend an Act creating and establishing the State Court of Tift County, so as to change the office of the solicitor of the state court to a full-time position.

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| Authored By: | Rep. Penny Houston (170th) | Rule Applied: | |
| House Committee: | Intragovernmental Coordination - Local | Committee Action: | 02-25-2016 Do Pass |
| Floor Vote: | Yeas: 153 Nays: 0 | Amendments: | |

Next on the Floor from the Committee on Rules

The Committee on Rules has fixed the calendar for the 30th Legislative Day, Monday, February 29, and bills may be called at the pleasure of the Speaker. The Rules Committee will next meet on Monday, February 29, at 9:00 a.m., to set the Rules Calendar for the 31st Legislative Day.

HB 12 Georgia Military Service Integrity and Preservation Act; enact

Bill Summary: HB 12 makes it unlawful for any individual, with the intent to secure a tangible benefit for him or herself, to make a false, fictitious, or fraudulent statement or representation that such individual is a military veteran or the recipient of a military decoration. Moreover, it is unlawful for any individual, with the intent to deceive, to appear in court while wearing a military uniform or military decoration. The penalty for this offense is punished as a misdemeanor, but if a military decoration is involved in the violation, the punishment is a misdemeanor of a high and aggravated nature.

Authored By: Rep. Terry Rogers (10th)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 171 Laws and statutes; revise provisions relating to effect and enforcement of foreign laws; provisions

Bill Summary: HB 171 amends 9-10-31.1, relating to venue, to allow the courts of this state to transfer venue under the doctrine of forum non conveniens when the forum outside of this state provides for impartial tribunals and procedures that are "consonant" or in accordance with the requirements of due process as required by the U.S. and Georgia Constitutions.

Authored By: Rep. Dustin Hightower (68th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee Action: 02-18-2016 Do Pass by Committee Substitute

HB 364 Real estate transfer tax; change certain provisions

Bill Summary: This legislation increases the the level of oversight over county tax assessors and provides an avenue to the Georgia Tax Tribunal for taxpayers who have had multiple illegal property assessments. The commissioner of the Department of Revenue is empowered to review and request an alteration of a county digest and to create an appeals process if a tax assessor should disagree with an alteration.

It also provides that the Department of Revenue shall notify the Department of Community Affairs if there has been a finding of the illegal taxation of property or intangibles. If there is such a finding, the Department of Community Affairs may revoke the county's qualified government status for three years, though the county's qualified government status will not be revoked if the county removes the tax assessor.

This legislation allows the owner of a property that has been illegally taxed under a prior county digest to file a petition directly to the Georgia Tax Tribunal. The bill provides corresponding legal filing requirements to support such an action.

Authored By: Rep. David Knight (130th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 471 Ad valorem tax; heavy-duty vehicles; add a definition of certain vehicles

Bill Summary: This legislation provides that equipment rental companies may charge a property tax recovery fee of 1.5 percent on the total charge for renting any equipment and remit those collected property tax recovery fees to the respective county tax commissioner. The bill also contains reporting requirements to ensure that collection amounts match the companies' property tax liability.

Authored By: Rep. Ron Stephens (164th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 677 State government; casino gambling; provide limited number of licensed resort facilities; provisions

Bill Summary: HB 677 adds a new chapter to the O.C.G.A. involving casino gaming. The bill allows for casino gaming to be licensed in Georgia for the purpose of preserving the HOPE scholarship program, and other educational purposes, for the benefit of the citizens of Georgia. The Georgia Lottery and Casino Gaming Commission is vested with plenary power to write rules and regulations to regulate casino gaming. The commission also has the power to grant or deny access to anywhere casino gaming is taking place.

HB 677 defines terms involving the regulation, application for, and operation of casino gaming establishments including: cashless wagering systems; casino gaming; casino gaming education account; casino gaming proceeds; credit instruments; gambling game (any game played with cards, dice, equipment, or any mechanical, electro-mechanical, or electronic dice for value); gaming employees; Georgia Licensed Resort Facility Host Community Fund; Georgia Problem Gaming Fund; gross gaming revenue (which excludes: counterfeit money and wagering instruments; coins of other countries placed in gaming devices; cash taken in fraudulent acts where the casino has not been reimbursed; cash received as entry fees for contests or tournaments; uncollected baccarat commissions (a fee assessed by the casino on cash paid out as a loss to a patron at baccarat to modify the odds of the game and also the fee charged by the casino to participate in the game); cash provided by the casino to a patron and subsequently won by the casino if the casino can demonstrate that it has not been reimbursed; and any promotional gaming credit for slot machines or table games provided by the casino to a patron and subsequently won by the casino.

The following may be deducted from gross gaming revenue: any prizes or benefits that are redeemable for money or merchandise must not be deducted as losses from winnings at any game except for slot machines, other than money or tokens paid at face value directly to a patron; the amount of cash paid to fund periodic payments may be deducted as losses from winnings for any game; regarding slot machines, keno, and bingo, the actual cost to the casino of any personal property distributed to a patron but not travel expenses, food, refreshments, lodging, or services; regarding bingo, a casino who provides a patron with additional play as the result of a wager may be deducted as losses from winnings paid directly to that patron as result of additional play; the pro rata share of a payout from a game played in an inter-casino linked system (except for payout in conjunction with a card game); inter-casino linked system (a network of electronically interfaced similar games which are located inside or outside the state); licensed resort facility; licensing regions (five regions specified by the Georgia Constitution); periodic payments (a series of payments that are disbursed annually to remit payouts on winnings to a patron); primary casino license (the unencumbered casino gaming license in region one, where there is no limit on the number of table games or slot machines); problem gaming; slot machines; table games; and wagering instrument.

HB 677 creates the Georgia Casino Gaming Commission and vests the full legal authority over the practice of casino gaming in Georgia. The commission is vested with all the powers and duties necessary to carry out the provisions set forth in the Code. The commission is also granted the following powers: the jurisdiction and supervision of licensing casino gaming to insure the highest degree of integrity and the power to eject or exclude those it deems reflect adversely to the honesty and integrity of casino gaming; the power to compel casinos to produce books and documents for review, access to casino premises, annual balance sheets, and contracts with whom the casino is conducting business; the power to promulgate rules and regulations (including penalties) under which casino gaming will take place in Georgia and the authority to compel casinos to place signs with a telephone number to organizations which provide assistance to compulsive gamblers; the power to compel casinos to produce financial statements and information on any party that has pecuniary interest with a casino; the power for the commission and its employees to inspect the to ensure compliance with the regulations of the commission; the authority to inspect all premises where gambling equipment and devices are manufactured, sold, or distributed in Georgia; the authority to summarily seize, remove, and impound any equipment or supplies from casinos for the purpose of examination and inspection; the power to study and review casino gaming, and other gaming, to make recommendations to the Governor, General Assembly, and casino advisory board; the authority to investigate suspected illegal gaming activities in Georgia and refer those findings to state and local law enforcement agencies; the authority to study problem gaming and gambling addiction and make recommendations regarding how

to best identify and treat citizens affected by such disorders; and the power to demand former casino licensees to furnish documents for the purpose of conducting audits and the former licensee must maintain such documents for one year following cessation of gaming activities.

HB 677 allows for the commission to hire and compensate employees. Moreover, the commission must keep true and accurate records of its proceedings and to preserve such records. Funding the operating expenses related to the operation of the commission will come from funds appropriated from the annual proceeds maintained in the Casino Gaming Education Account.

HB 677 limits the establishment of casinos in Georgia to only those which have been awarded a casino gaming license from the commission. A licensed casino may operate 24 hours a day for all legal purposes including gaming and serving alcoholic beverages. The commission may make recommendations as to altering state and local regulations that restrict the casino's ability to conduct business on a 24 hours basis.

The commission shall only have the authority to award a maximum of four casino gaming licenses at any given time. There are two distinct regions of Georgia where licenses will be granted, where region one will be allowed both a primary and secondary casino license and shall only award a secondary license after awarding a primary license. At no time will more than two licenses be permissible in region one and two licenses in region two. No casino in region two will be located within 50 miles of region one, and no casino in region two will be allowed within 50 miles of the other casino located in region two. The licensing of casinos is considered to be the exclusive province of the state government and no licensing structure may be implemented by any county or municipality.

Any person desiring to construct, establish, own or operate a casino in Georgia is required to file an application to the commission and shall contain, but not limited to, the following information: 1) the name and addresses of the corporation and all officers and directors, and if the applicant is a foreign corporation, information as to whether it is qualified to do business in the state; 2) the name and address of each stockholder or member that has five percent or greater ownership interest in such business and all persons who have contracted with the business entity that have a pecuniary interest in the casino and the nature of that interest; 3) information that the commission deems appropriate involving the background character of the applicant and members, directors, managers of the applicant including persons who are likely to have influence over the casino operations; 4) the location and description of the premises where the applicant wishes to conduct casino gaming and any other information that the commission deems appropriate, taking into consideration whether such location would be in the best interests of the citizens of Georgia; 5) information that the commission deems appropriate relating to the financial responsibility of the applicant; 6) if the facilities necessary for the operation of a casino require a lease, and the details of that lease; and, 7) any other information that the commission deems appropriate.

Each application will be affirmed by an oath and affirmation by the applicant and accompanied by a non-refundable application fee not to exceed \$500,000 which will be deposited in the Casino Gaming Education Account within seven days of receipt. Each application will also be accompanied by a financial deposit equal to the amount of a casino gaming licensing fee equal to the amount required in the region associated with the application. If the applicant is approved for a casino gaming license, that deposit will be credited toward the required fee for the license. If the applicant is denied by the commission, the deposit will be refunded to the applicant after the seven day appeal period. Should an applicant who is denied a casino gaming license choose to appeal the decision of the commission, they must do so in the Superior Court of Fulton County and such applicant will forfeit the application deposit to the commission. During the application period, all financial deposits associated with applicants shall be held in escrow with a financial institution chosen by the commission. All forfeited deposits, and deposits for those awarded a license, shall be transferred to the Casino Gaming Education Account into the state treasury within seven days.

Issuance of a license, which conforms to the criteria of the commission, authorizes the applicant to begin construction and/or the development of the proposed casino which was detailed in the application. Operation of that facility may not commence until such time as the commission has formally issued the casino gaming license (as determined by the commission) to the licensee.

When evaluating applicants for a casino gaming license, the commission shall award a license to the applicants to best meet the following criteria: 1) the applicant is adequately capitalized (taking previous bankruptcy's into account) to construct, operate, and maintain a casino of outstanding quality; 2) if the applicant, if it is a stock corporation, has stock that is fully paid and non-assessable and has been subscribed and paid for only in cash or property to the exclusion of past services; 3) all principal stockholders or members of the applicant have submitted to the jurisdiction of the courts of the state of Georgia and have a designated agent for the service of process in this state; 4) the plans and specifications submitted by the applicant meet the minimum total investment levels set by the commission, and the previous history of those applicants who have owned and operated casinos. At no time shall the commission permit a minimum total investment level in the primary gaming license in region one to be less than \$1.25 billion, the secondary license in region one to be less than \$750 million, and the licenses in region 2 to be less than \$400 million; 5) the applicant has demonstrated a history of excellence in resort design and architecture, and plans to develop a casino with complimentary architecture for the surrounding area; 6) the applicant has demonstrated a history of excellence in the development and management of high quality non-gaming amenities in previous casinos; 7) the applicant has a demonstrated history of excellence in the development, management, and operation of casinos and the proposed plan reflects a focus on developing, managing, and operating a high quality casino; 8) the applicant has demonstrated a history of operating casinos that value the principles of environmental sustainability at a LEED Gold level standard or higher as awarded by the United States Green Building Council, and the proposed plans reflects those principles; 9) the applicant has a history of job creation and initial and ongoing training programs for the operation of casinos and the plans submitted to the commission reflect a focus on creating diverse and permanent job opportunities; 10) the applicant has a demonstrated history of operating casinos that match existing infrastructure capabilities of the surrounding areas and the proposed plan reflect adequate concern for infrastructure capabilities of the proposed site; 11) The applicant has a history of promoting tourism through previous casinos, and the plans submitted reflect that fact; 12) the applicant has demonstrated the ability of generating substantial revenue in a competitive business environment under varying economic conditions, and the proposal submitted by the applicant exhibits an ability to generate such revenue; 13) the applicant has a demonstrated history of brand recognition, tourism generated partnerships, and consumer satisfaction in previous casinos and the proposal submitted by the applicant exhibits the ability to maximize economic opportunity for the citizens of this state relating to those areas; 14) the applicant has a demonstrated history of generating substantial gaming and non-gaming tax revenue from previous casinos, and the proposal submitted reflects this fact; 15) the applicant demonstrates that it has a reasonable plan to address any impact that the casino might have on the operation of the Board; 16) the applicant has a demonstrated history of positive impact on the economic development of areas where it previously operated a casino, and the proposal submitted reflects the ability to encourage economic development and business growth in the area around the proposed casino site; 17) the applicant has a demonstrated history of local support and partnerships and the proposal submitted reflects clear evidence of local support and community engagement of the proposed site for the casino; and, 18) the applicant meets all other criteria established by the commission.

In deciding whether to award a license, the commission shall consider whether the applicant has been previously awarded a license and the extent to which an application is supported by the elected officials in the proposed casino site.

The commission shall deny any application for a casino gaming license located in any county or municipality that has not been approved by public referendum. Moreover, the commission shall deny any application for a casino gaming license if the commission finds that such application would not be in the best interest of the citizens of this state, or if such issuance would reflect adversely on the honesty and integrity of the casino gaming industry in this state, or if any principals of the applicant: 1) has knowingly made a false statement or deliberately failed to disclose any information requested; 2) is or has been found guilty of any illegal or fraudulent act connected with any casino gaming, or has been convicted of a felony; 3) has at any time, knowingly failed to comply with the rules set forth by HB 677 or the rules promulgated by the commission; 4) has legally defaulted in any payment or debt due to the state of Georgia; 5) has constructed a casino facility without being awarded a license, or has substantially deviated from the plans submitted to the commission; and, 6) is not qualified to do business in Georgia or subject to the jurisdiction of Georgia courts.

The initial gaming license issued to an applicant will be for a term of 15 years and shall be subject to the review of the commission every five years within the license term. The term of the license shall commence on the issuance of the license date, not from the award date of the license. Following the award of a casino gaming license, the applicant shall require that the applicant pay a casino license fee (which shall vary based upon the licensing region). The licensing fee for a primary gaming license in region one shall be \$40 million. The secondary gaming licensing fee in region one shall be \$25 million. The licensing fee for regions two shall be \$15 million. The General Assembly shall have the ability to modify the licensing fees, though the commission cannot alter the licensing fees through rulemaking or regulatory actions.

The commission shall establish criteria and procedures for the renewal of casino gaming licenses. This renewal process shall provide that one year before the expiration of said license, the licensee may file notice of intent to renew the license for another 15-year term. If a licensee is considered to be in good standing at the time of the renewal application, the commission shall automatically renew the license. If a licensee is not considered to be in good standing, the commission may give the licensee opportunity to remedy the issues with the commission. If such issues are addressed to the satisfaction of the commission, the license may renew the license for another 15-year term. The denial of a casino gaming license application by the commission shall be final unless appealed within seven days of the commission's decision.

The commission shall maintain and make available to every licensee a complete list containing the names of those who have been found unsuitable, denied, or had a license revoked by the commission. A person whose name has been placed on said list may petition for removal from that list no earlier than five years after the finding of unsuitability.

Any failed applicant for a casino gaming license may appeal that decision to the Superior Court of Fulton County within seven days from the commission's determination. The appellant review shall be confined to the record presented to the commission. The court shall not substitute its judgment for that of the commission (and members) in issues of discretion, or interpretations of the evaluation of fact, that have been expressly delegated to the commission. The court may review the record presented to the commission to ascertain whether an applicant's rights have been prejudiced because the actions of the commission are clearly in violation of the state constitution; in excess of the statutory authority of the commission; made on unlawful procedures; affected by other areas of law; not reasonably supported by substantial evidence in view of probative evidence in the record as a whole; or are arbitrary or capricious.

Appeal from any final judgment from the Superior Court of Fulton County may be taken by any party, including the commission in the manner provided for in civil actions.

After a hearing, and with at least 15 days' notice, the commission may suspend or revoke any license or fine the holder a sum not to exceed \$250,000 in any case in which the commission has reason to believe that any rule, regulation, or condition has been violated. Moreover, the commission may revoke a license if new facts come to light that indicate a license should not have been awarded or issued. The commission may revoke a license if the licensee fails to engage in casino gambling within three years of obtaining a license. The commission may summarily suspend a casino license for a period of not more than 90 days, pending a hearing and final determination, if the commission determines that there is a need to protect human health, safety, welfare, or revenues of the state. The commission shall schedule a hearing within 14 days of suspending the license. Deliberations of the commission shall be conducted pursuant to the rules developed by the commission. If any casino gaming license is suspended or revoked, the commission shall state its reasons for doing so. Such actions are final unless appealed pursuant to the appellant review process in the Superior Court of Fulton County. Any license surrendered or revoked shall revert to the state for future reissuance.

The commission shall have necessary authority to review and monitor changes in the ownership structure of casino gaming licenses. The commission has the power to promulgate rules that ensure the change in ownership is in compliance with HB 677 and aligns with the general public interest. The commission shall require that any person desiring to become a new partner, member, principal stockholder, gaining operational or financial control to apply with the commission. The commission

shall approve or deny the application within 60 days. In situations involving an application to acquire actual control over a licensee, that applicant shall submit a proposal for the future operation of that casino and any information as may be required by the commission that assures such person will have the experience, expertise, financial responsibility, and commitment to comply with all rules subject to the license and continued operation of the casino. The commission has the power to apply to the appropriate superior court for an injunction against a licensee, or any other person, when it appears that such person has violated or will violate the rules or regulations governing casino operation.

The commission shall not award any casino gaming license to any applicant for any facility within Georgia until a referendum approving the construction in each county or municipality of this state where the casino is located and sets forth the process which the referendum is to take place.

The commission is obligated to consider the degree to which there is evidence of local support where the applicant seeks to establish a casino. The commission shall have all the authority to communicate with government officials in the proposed host site to determine their preferences and the reasoning behind those preferences. If a prospective applicant has promised benefits to the potential host community, the commission shall take those promises into consideration when evaluating their application for a casino gaming license. No county or municipality shall enter into any agreement or arrangement with a licensee or potential licensee that submits the proposed casino to any regulatory structures not otherwise required of non-casino gaming businesses already operating in that community.

The governing authority of any county or municipality in this state shall be authorized to enact and enforce certain ordinance provisions that do not encroach on state authority in the area of casino gaming, which are as follows: 1) Zoning restrictions related to distance from specified structures, so long as the distance requirements are no more restrictive than requirements on all other hotels and resorts in that location; 2) Ordinances providing for the procurement and public display of a business license by the casino, so long as the requirements are no more restrictive than requirements on all other hotels and resorts in the location; 3) Ordinances providing for the procurement of a local alcohol license, so long as it is no more restrictive than requirements on all other hotels and resorts in the location; 4) Ordinances providing for the adherence to local fire and safety codes, so long as it is no more restrictive than requirements on all other hotels and resorts in the location; and, 5) Ordinances eliminating any statutory or regulatory restrictions on the ability of the casino to operate on a 24 hour per day basis including the sale and service of food and alcoholic beverages.

Casinos operating within this state shall be subject to an annual 20 percent tax on their gross gaming revenue, which shall be levied and collected by the Department of Revenue. Prior to implementation of this annual tax, the commission shall coordinate with the Department of Revenue to develop the process and procedures for the collection of this tax. No tax on gaming revenue is permitted by a county or municipality. Moreover, all sales of games on slot machines or similar electronic gaming machines shall be exempt from any and all sales taxes imposed by state or local law.

HB 677 creates a separate account in the state treasury called the Casino Gaming Education Account and shall be the sole repository of revenue and proceeds derived from the following sources: casino gaming licensing fees as collected or transferred; forfeited financial deposits of unsuccessful casino gaming license applicants; civil penalties levied against licensees and other parties regulated by the commission; all proceeds generated by the state's taxation of the gross gaming revenue of casinos; all other permitting or regulatory fees collected by the commission in accordance with any future rules or procedures it promulgates.

All funds contained within the Casino Gaming Education Account shall be unencumbered property of the state and shall be invested by the state treasurer in accordance with state investment practices. The proceeds contained within the Casino Gaming Education Account shall only be appropriated, dispensed, or utilized as follows: 1) funding educational programs and purposes; 2) payment of operating expenses associated with the regulation of casino gaming by the commission; 3) funding of state resources for the treatment of problem gaming issues; and, 4) financial support of counties and municipalities hosting licensed resort facilities for casino gaming.

Every year, the governor shall make specific recommendations regarding the Casino Gaming Proceeds

as to how much shall be spent on the following: 1) the funding of educational programs and purposes; 2) the payment of the commission operating expenses associated with the regulation of casino gaming; 3) funding the Georgia Problem Gaming Fund; and, 4) the funding of the Georgia Licensed Resort Facility Host Community Fund.

Payment to the commission's operating fund shall not exceed five percent of the total casino gaming proceeds for a given fiscal year. Funding for the Georgia Problem Gaming Fund shall not exceed two percent of the total casino gaming proceeds for a given fiscal year. Funding for the Georgia Licensed Facility Host Community Fund shall not exceed three percent of the total gaming proceeds for a given fiscal year. The funding for educational programs and purposes shall at all times constitute at least 90 percent of total casino gaming proceeds for a given fiscal year.

Educational funding from casino gaming proceeds shall only be provided for the following programs and purposes: 1) the HOPE scholarship program; 2) other tuition grants, scholarships, or loans to citizens of this state regardless if the college or universities are operated by the Board of Regents or to attend institutions operated under the authority of the Department of Technical and Adult education; 3) voluntary pre-kindergarten; and, 4) one or more educational shortfall reserves in a total amount of not more than five percent of the net revenues or proceeds from casino gaming for the preceding fiscal year. No funds shall be recommended for items two through four, stated previously, until the HOPE scholarship has been fully funded.

Upon the consideration of the budgetary recommendation provided by the governor, in the General Appropriations Act adopted each fiscal year, the General Assembly shall appropriate all casino gaming proceeds, as a separate section in the budget, for the same categories and limitations as set forth for the governor.

Each fiscal year, the state treasurer shall transfer to the designated recipients the portion of annual casino gaming proceeds specifically appropriated from the Casino Gaming Education Account pursuant to the General Appropriations Act in accordance with traditional state budgetary and appropriation principles.

HB 677 provides that the commission shall establish an Advisory Committee on Problem Gaming consisting of seven members to advise, it on issues associated with problem gaming. The governor shall appoint the following individuals as members of the advisory committee: 1) two representatives from current casino gaming licensees; 2) two individuals who work in the area of mental health; 3) one individual who represents the Georgia Department of Education with experience in the prevention or treatment of problem gaming; and, 4) two individuals who represent organizations that provide assistance to individuals who are problem gamblers. Members shall serve without compensation for a term to be established by the commission. At the first meeting and annually thereafter, the committee will elect a chair.

HB 677 creates an account within the state general fund known as the Problem Gaming Fund, to be administered by the board. At no point in time shall the annual fund exceed more than two percent of the total casino gaming proceeds appropriated by the General Assembly. The fund must be expended to award grants of money or contracts for services to state agencies or organizations and educational institutions to provide programs for the prevention, treatment, or research relating to problem gaming. The commission may accept donations or gifts into the fund. The donations or gifts within the fund do not revert to the state general fund and are carried forward to the next fiscal year.

HB 677 creates and account within the state general fund known as the Georgia Licensed Resort Facility Host Community Fund to be administered by the board. At no point in time, shall annual funding for the account exceed more than four percent of the total casino gaming proceeds appropriated by the General Assembly. The fund must be expended to provide local impact grants only to those counties and municipalities that host a casino, and for only the following purposes: 1) to fund infrastructure and transportation improvement projects within a five mile radius of the casino; 2) to fund school construction projects and educational programs in in the host county or municipality; 3) to fund economic and community development projects in the host county or municipality; 4) to fund public safety projects and/or police, fire, and emergency projects within a five-mile radius of the casino;

5) to fund sanitation projects within the host county or municipality; and, 6) to fund all other projects that the General Assembly designates as permissible. The existence of the Georgia Licensed Resort Facility Host Community Fund shall not create a right for any host community to receive money from the fund. Moreover, money contained within the fund does not revert to the state general fund at the end of the fiscal year and is carried forward to the next fiscal year.

The commission shall have all necessary authority to promulgate rules and regulations regarding the issuance of credit instruments by the operators of casinos in this state.

HB 677 provides that the illegality and non-enforceability of gambling debts and contracts shall not apply to legal casino gaming activities conducted in accordance with the rules and regulations of the commission.

The commission shall have all necessary authority to promulgate rules and regulations regarding the resolution of all disputes between casino patrons and casinos regarding: 1) alleged winnings, alleged losses, or the award or distribution of any item in a game, tournament, contest, drawing, or similar activity or event; and, 2) the manner in which a game, tournament, contest, drawing, promotion, or similar activity is conducted.

The commission shall establish rules and regulations the procedures governing the approval and operation of inter-casino linked systems without limitation. The commission must include in such rules and regulations the following: 1) the standards of approval for inter-casino linked systems; 2) requirements for the operator of the inter-linked system as well as the establishment of a minimum rate of progression of the primary jackpot meter; 3) criteria for multiple permitting of inter-casino linked systems; and, 4) the procedures for auditing and regulatory compliance of an inter-casino linked system.

HB 677 provides that any person who is not licensed who knowingly operates a facility where casino gaming is undertaken shall be guilty of a felony with a punishment by a fine not to exceed \$100,000 and imprisonment for not less than one year nor more than 10 years. Any person other than a lawful holder who is in possession of any license or permit issued by the commission, or a forged or simulated license or permit, who uses such document for the purpose of misrepresentation or fraud shall be guilty of a felony with a punishment by a fine not to exceed 100,000 and imprisonment for not less than one year nor more than 10 years.

Any person, with the intent to defraud, acts to alter the outcome of any table game or slot machine through: 1) the use of any device; 2) the introduction of any foreign substance or item; or 3) any other impermissible means shall be guilty of a felony with a punishment by a fine not to exceed \$25,000 or by imprisonment for not less than one year nor more than three, or both.

Any person with the intent to defraud, influences or conspires with another to alter the outcome of any table game or slot machine through: 1) the use of any device; 2) the introduction of any foreign substance or item; or 3) any other impermissible means shall be guilty of a felony with a punishment by a fine not to exceed \$100,000 or by imprisonment for not less than one nor more than 10 years, or both.

Any person who with the intent to defraud: 1) alters or misrepresents the outcome of a game or other event on which wagers have been made after the outcome is made sure but before it is revealed to the players; 2) places, increases, or decreases a bet or to determine the course of play after acquiring knowledge, not available to all players, of the outcome of the game or any event that affects the outcome of the game or which is the subject of the bet or to aid anyone in anyone in acquiring such knowledge for the purpose of placing, increasing, or decreasing a bet or determining the course of play contingent upon the event or outcome; 3) claims, collects, or takes, or attempts to claim, collect, or take, money or anything of value in or from a gambling game without have made a wager contingent thereon, or to claim, collect, or take an amount greater than the amount won; 4) entices or induces another to go to any place where a gambling game is being conducted or operated in violation of the provisions of the code, with the intent that the other person play or participate in a gambling game; 5) places or increases a bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet, including past posting and pressing bets; 6) reduces the amount wagered or cancels the bet after acquiring knowledge of the outcome of the game or other event which is the subject of the bet,

including pinching bets; 7) manipulates any component of a gaming device in a manner contrary to designed and normal operational purpose for the component, with knowledge that the manipulation affects the outcome of the game; or, 8) offers, promises, or gives anything of value to anyone for the purpose of influencing the outcome of a contest or game upon which a wager may be made, or places, increases, or decreases a wager after acquiring knowledge, not available to the general public, that anyone has been offered, promised or given anything of value for the purpose of influence the outcome of a game or contest upon which the wager is placed, increased, or decreased shall be guilty of a felony and shall be punished by a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

It shall be unlawful for any person to use, possess with the intent to use, or assist another person in suing or possessing with the intent to use any device which is designed, constructed, altered, or programmed to obtain an advantage at playing any game in a casino that: 1) projects the outcome of the game; 2) keeps track of cards played or cards prepared for play in the game; 3) analyzes the probability of the occurrence of an event relating to the game; or 4) analyzes the strategy for playing or betting to be used in the game, except as may be made available as part of an approved game or otherwise permitted by the commission shall be guilty of a felony with a punishment of a fine not to exceed \$25,000 or by imprisonment for not more than one year nor more than three or both.

It shall be unlawful for any person, other than an employee acting in furtherance of employment to possess, use, sell, or manufacture counterfeit wagering instruments or other counterfeit items that are used to determine the outcome of any contest conducted by or on behalf of the licensee. It shall be unlawful for any person in playing a gambling game designed to be played with wagering instruments to: 1) knowingly use any instrument not approved by the commission; or, 2) use any device or means to violate the rules and regulations of the commission. Moreover, It shall be unlawful for any person, other than an employee acting in furtherance of employment to have on his/her person, on or off premises, any device intended to be used to violate the rules and regulations of the commission. In addition, it shall be unlawful for any person, other than an employee acting in furtherance of employment, to be in possession of any key or device known to be suitable for entering or affecting any game on or off the premises. It shall be unlawful for any person, other than an employee acting in furtherance of employment, to be in possession of any paraphernalia for manufacturing slugs (equipment including lead, alloys, molds, torches, tongs, trimming tools, or any equipment that can be reasonably demonstrated to manufacture facsimile debt or wagering instruments). Possession of one or more of these devices, equipment, products or materials described in this paragraph permits a rebuttable inference that the possessor intended to use them for cheating. The punishment is a felony with a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

It shall be unlawful for any person to knowingly cheat at any gambling game. The punishment is a felony with a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

It shall be unlawful to manufacture, sell, or distribute any cards, chips, dice, game, or device that is intended to be used to violate the law. Moreover, it shall be unlawful to modify any gaming device in a manner that: 1) affects the result of a wager by determining win or loss; or, 2) alters the normal criteria of random selection, which affects the operation of the game or determines the outcome of a game. Moreover, it shall be unlawful to any person to instruct another in cheating or in the use of any device for that purpose, with knowledge or intent that the use of such knowledge may be employed to violate the law or rules of the commission. The punishment is a felony with a fine not to exceed \$25,000 or by imprisonment for not less than one nor more than three years or both.

A person, alone or with others, shall not knowingly, within or outside of this state: 1) accept or receive, through any medium of communication, a wager from another person who is physically present within this state; or, 2) allow a lessee, agent, or employee to accept or receive, directly or indirectly, through any medium of communication, a wager from another person who is physically present in this state. This shall not apply to a wager placed by a person's own benefit or, without compensation, for the benefit of another that is accepted by: 1) any other person or casino that is licensed to engage in wagering that complies with all other applicable laws and regulations concerning wagering; or, 2) any other person or casino that is licensed to engage in wagering in another jurisdiction and is permitted to

accept a wager from patrons within this state under any agreement entered into by the governor pursuant to Code or the rules and regulations of the commission. The punishment for a violation is a misdemeanor.

Any person who conspires with another, either inside or outside this state, to commit a felony prohibited by this chapter (Ch. 39, the previous listed violations) shall be guilty of a felony and shall be punished with a fine not to exceed \$100,000 or by imprisonment not less than one year nor more than 10, or both.

HB 677 adds an exception to the voidability of gambling contracts and the recovery of gambling debts by adding an exception for those that rise out of legitimate and legal casino gaming activities.

HB 677 adds an exception to the criminal offense of: gambling; commercial gambling; keeping a gambling place; possession, manufacture, or transfer of gambling devices or parts; solicitation of another to gamble; advertising commercial gambling; communicating gambling information; seizure and destruction of gambling devices; disposition of property used in gambling; promotional giveaway contests; bingo for profit; licensed non-profit bingo operations; and, rules governing bingo sessions by excluding gambling that arises out of legitimate and legal casino gaming activities.

Authored By: Rep. Ron Stephens (164th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-25-2016 Do Pass by Committee Substitute

HB 699 Local government; define a certain term; provisions

Bill Summary: House Bill 699 eliminates the "lame duck" period between the November election and the time of swearing in for city council members and county commissioners. This bill provides that newly-elected members will take office on the first Monday that occurs five days after the election results are certified.

Authored By: Rep. Andrew Welch (110th)
House Committee: Governmental Affairs

Rule Applied: Modified-Structured
Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 722 Health; patient registry program for the use of medical cannabis; provide

Bill Summary: HB 722 allows for manufacturers of low tetrahydrocannabinol (THC) oil to ship low THC oil to a person properly registered with the Department of Public Health in Georgia. HB 722 expands the list of conditions for which low THC oil can be administered by including autism, epidermolysis bullosa, HIV, peripheral neuropathy, tourette's syndrome, terminal illness, and post-traumatic stress disorder. Moreover, HB 722 includes low THC oil into the code regarding driving under the influence.

Authored By: Rep. Allen Peake (141st)
House Committee: Judiciary Non-Civil

Rule Applied: Structured
Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 727 Fireworks; certain further regulations by counties and municipal corporations; provide

Bill Summary: HB 727 regulates where and when fireworks can be exploded. It is unlawful to explode fireworks within five yards of an overhead obstruction, across or into a public road. Fireworks may not be used in close proximity to electric plants, wastewater treatment plants, jails, prisons, hospitals, and nursing homes. It is unlawful to explode fireworks at public gatherings where the local fire department, or the state fire marshal determine that such conduct would be unreasonable. Also, it is unlawful, and punished as a misdemeanor, to explode fireworks while under the influence of drugs or alcohol. The governor or the director of the Environmental Protection Division may issue a declaration to prohibit the use of fireworks for a specific duration. The bill extends the times which fireworks may be exploded on January 1, July 3, July 4, and December 31. Moreover, the bill allows for fireworks to be exploded between the hours of 10:00 a.m. and 10:00 p.m., subject to local noise ordinances.

HB 727 allows for consumer fireworks to be sold from a temporary consumer retail sales facility, so long as such facility is in compliance with the regulations provided by the National Fire Protection

Association, is within 1,000 feet of a fire hydrant, and the distributor is licensed to sell consumer fireworks. The licensing fee for a temporary consumer retail facility is \$750 per location and is only valid on certain dates surrounding specific holidays previously mentioned. A local excise tax of one percent is imposed per item sold.

Authored By: Rep. Paul Battles (15th)
House Committee: Regulated Industries

Rule Applied: Modified-Structured
Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 734 "Georgia Space Flight Act"; enact

Bill Summary: This bill adds new chapters to Title 51, related to torts, to provide a limited waiver of liability for persons who agree to participate in space flight activities and space flight operations provided such persons sign a written waiver agreeing to those limitations.

Authored By: Rep. Jason Spencer (180th)
House Committee: Judiciary

Rule Applied: Modified-Structured
Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 779 Crimes and offenses; regulate use of unmanned aircraft systems and images; provisions

Bill Summary: HB 779 regulates the use of drones in Georgia. Except for military or governmental contracts involving research, it is unlawful to sell, manufacture, possess, or operate an unmanned aerial vehicle that is equipped with a weapon. The punishment for such conduct is a felony. Moreover, no law enforcement agency shall use an unmanned aerial vehicle to gather evidence or other information in a private place without first obtaining a search warrant unless: there are exigent circumstances; participating in active search for a fugitive or monitoring a hostage situation; or participating in a search for missing persons. Any data collected by the law enforcement agency shall be destroyed within five days, and any data retained for a longer period of time is subject to open records requests. It is unlawful for an unmanned aerial vehicle to: launch from private property without permission; interfere with a train, aircraft, or motor vehicle; harass, threaten, or intimidate another person; and the penalty for such violations are punished as a misdemeanor. HB 779 provides that state law preempts any local law or ordinance. Also, any person who knowingly and willfully obstructs or hinders any law enforcement officer, fire fighter, park ranger, or emergency services shall be guilty of a misdemeanor. The bill also provides that unmanned aerial vehicles cannot be used to assist a person with hunting, nor hinder another individual who is hunting.

Authored By: Rep. Kevin Tanner (9th)
House Committee: Judiciary Non-Civil

Rule Applied: Modified-Structured
Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 825 "Protecting Military Children Act"; enact

Bill Summary: HB 825 requires the child welfare agency to notify the Department of Defense Family Advocacy Program if it is determined that suspected child abuse has involved a military parent or guardian.

Authored By: Rep. Earnest Smith (125th)
House Committee: Juvenile Justice

Rule Applied: Modified-Structured
Committee Action: 02-22-2016 Do Pass

HB 828 Income tax credit; employers who hire certain qualified parolees for full-time jobs; create

Bill Summary: This legislation provides an income tax credit of \$2,500 per parolee per year to employers who hire individuals who have been granted parole within the preceding 12 months. The job must be full-time (more than 30 hours per week), be without a predetermined end date, involve work in the state for a minimum of 40 weeks per taxable year, and be at or above the average wage for the county in which the job is based. The credit cannot exceed the employer's income tax liability or be applied retroactively, and any unused credit can carry forward for three subsequent years. It also contains reporting metrics to determine the effectiveness of the credit.

Authored By: Rep. Virgil Fludd (64th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 868 State government; Georgia State Games Commission; eliminate

Bill Summary: HB 868 eliminates the Georgia State Games Commission by repealing Article 3 of Chapter 12 of Title 50. All property held by the authority on the effective date reverts back to the state.

Authored By: Rep. Terry Rogers (10th)
House Committee: State Properties

Rule Applied: Modified-Structured
Committee Action: 02-18-2016 Do Pass

HB 889 Professions and businesses; funeral establishments and crematories; authorize certain advertisements related to crematories and cremation services

Bill Summary: HB 889 allows individuals who operate one or more funeral establishments, but only one crematory, to advertise crematory services on all forms of advertisements so long as such establishments are operated under the same name and are located within 40 miles from the crematory.

Authored By: Rep. E. Culver "Rusty" Kidd (145th)
House Committee: Regulated Industries

Rule Applied: Modified-Open
Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 934 Human Services, Department of; website providing kinship caregivers with information and access to apply for public assistance benefits; provide

Bill Summary: HB 934 authorizes the Department of Human Services to provide a separate link or portal on its website specifically for kinship caregivers in order to provide information on public assistance benefits.

Authored By: Rep. Tom Kirby (114th)
House Committee: Human Relations & Aging

Rule Applied: Modified-Open
Committee Action: 02-22-2016 Do Pass

HB 935 Ad valorem tax; properties eligible for a freeport exemption; add certain fulfillment centers

Bill Summary: HB 935 adds certain fulfillment centers to properties eligible for a freeport exemption for inventory retained in Georgia until the inventory can be transported out of the state.

Authored By: Rep. Brett Harrell (106th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-22-2016 Do Pass by Committee Substitute

HB 936 Income tax; wages necessary to qualify for a job tax credit; clarify certain terms

Bill Summary: HB 936 clarifies terms in respect to the wages necessary to qualify for a jobs tax credit. It provides that the average wage of each new job created must be above the average county wage in the county with the lowest average wage. It also provides that a "new full-time employee job" means a newly-created position requiring a minimum of 35 hours per week paying at or above the average wage in the lowest county with the lowest average wage.

Authored By: Rep. Brett Harrell (106th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-17-2016 Do Pass

HB 937 Sales and use tax; exemption for projects of regional significance; change sunset provision

Bill Summary: HB 937 extends the sunset on the sales and use tax exemption for the construction of a competitive project of regional significance until June 30, 2019.

Authored By: Rep. Brett Harrell (106th)
House Committee: Ways & Means

Rule Applied: Structured
Committee Action: 02-17-2016 Do Pass

HB 976 State records management; minimum retention periods for video recordings from law enforcement devices on or inside a vehicle; provide

Bill Summary: HB 976 establishes retention periods for video recordings captured by law enforcement through surveillance devices, body-worn devices, or devices on or inside a law enforcement vehicle. Recordings from surveillance devices shall be retained for 30 days from the date of such recording. Recordings from body-worn devices or devices located on or inside law enforcement vehicles shall be retained for 180 days from the date of such recording. If the recordings are part of a criminal investigation, show a vehicular accident, the arrest or detainment of an individual, or the officer's use of force, the recording shall be retained for 30 months. If the recording contains evidence anticipated to be necessary in pending litigation, it will be retained for 30 months. This new Code section does not require the destruction of such video recordings after the retention period.

Authored By: Rep. Bill Hitchens (161st)

House Committee: Public Safety & Homeland Security

Rule Applied: Modified-Structured

Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 990 Alternative ad valorem tax; motor vehicles; change certain definitions

Bill Summary: This legislation amends current law whereby a person can lock in their property tax assessment by appealing a tax assessment, regardless of the merit or outcome of the appeal. This legislation limits such a lock to appeals that result in a reduced value of assessment.

Authored By: Rep. Jay Powell (171st)

House Committee: Ways & Means

Rule Applied: Structured

Committee Action: 02-24-2016 Do Pass by Committee Substitute

HB 1014 Income tax; exemption for donation of real property for conservation use; extend sunset date

Bill Summary: This bill extends the exemption on the donation of real property for conservation use to 2021, and creates reporting requirements to provide the Georgia General Assembly with information on the effectiveness of the exemption.

Authored By: Rep. Jay Powell (171st)

House Committee: Ways & Means

Rule Applied: Structured

Committee Action: 02-24-2016 Do Pass

HB 1028 Natural Resources, Department of; Environmental Protection Division; provide notice to affected localities upon certain events relating to permitted solid or hazardous waste facilities

Bill Summary: HB 1028 requires the owner or operator of a municipal solid waste landfill to notify the local governing authorities of any significant release within 14 days of confirmation of the release by the Environmental Protection Division.

Authored By: Rep. William Werkheiser (157th)

House Committee: Natural Resources & Environment

Rule Applied: Structured

Committee Action: 02-25-2016 Do Pass by Committee Substitute

HB 1060 Crimes and offenses; carrying and possession of firearms; confirm that the right of the people to keep and bear arms shall not be infringed

Bill Summary: HB 1060 is a "housekeeping" bill amending several Code sections dealing with Georgia carry licenses for new residents, authorized locations and persons for possession and carry, appeals processes, replacement licenses, definitions of leased government property and private property, carrying in a place of worship, rights of retired law enforcement officers to carry in certain locations, changes relating to exemptions, immunity for safety trainers and teachers who lawfully teach a course from recourse if former trainee is injured by their own failure to use a firearm properly.

Authored By: Rep. Rick Jasperse (11th)

House Committee: Public Safety & Homeland Security

Rule Applied: Modified-Structured

Committee Action: 02-23-2016 Do Pass by Committee Substitute

HB 1066 Penal institutions; additional duties of commissioner of corrections; authorize chief of staff to issue warrants of an offender who has escaped

Bill Summary: House Bill 1066 allows the chief of staff to the commissioner of the Department of

Corrections to issue a warrant for the arrest of an offender who has escaped from the custody of the department.

Authored By: Rep. Alan Powell (32nd) **Rule Applied:** Modified-Structured
House Committee: Public Safety & Homeland Security **Committee** 02-24-2016 Do Pass
Action:

HB 1070 Domestic relations; adoption; permit the department to use certain information in the records concerning the adopted child's biological parents

Bill Summary: HB 1070 amends the Code relating to adoption, to permit the Department of Human Services to use certain information in the department's records. Under this bill, the department or the department's designee, like the Office of Adoptions, may make use of any information contained in the department's records concerning an adopted child and the adopted child's biological parents in connection with the placement of another child in the adoptive parent's home or in connection with an investigation of abuse or neglect made concerning the adoptive child's biological parents.

Authored By: Rep. Katie Dempsey (13th) **Rule Applied:** Modified-Structured
House Committee: Judiciary **Committee** 02-25-2016 Do Pass
Action:

HR 807 Casino resorts; local authorization of limited number of licensed resorts; provide - CA

Bill Summary: HR 807 proposes an amendment to the Constitution to authorize the General Assembly to provide laws for the purpose of allowing casino gambling in the state of Georgia through a ballot initiative. HB 677 is the accompanying legislation.

Authored By: Rep. Ron Stephens (164th) **Rule Applied:** Modified-Structured
House Committee: Regulated Industries **Committee** 02-25-2016 Do Pass by Committee
Action: Substitute

Committee Actions

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

Energy, Utilities & Telecommunications Committee

HB 1096 Unclaimed property; disposition; provide for the donation of abandoned dividends by rural telephone cooperatives for certain purposes

Bill Summary: HB 1096 provides for the donation of abandoned dividends or capital credits by rural telephone cooperatives for certain purposes.

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| Authored By: | Rep. Don Parsons (44th) | Committee Action: | 02-26-2016 Do Pass |
| House Committee: | Energy, Utilities & Telecommunications | | |

Juvenile Justice Committee

HB 999 Child welfare agencies; agencies licensed in other states to also be licensed in Georgia to engage in placement activities; require

Bill Summary: HB 999 requires that child welfare agencies licensed in other states that are engaging in placement activities that solicit, advertise, or contact via the internet the residents within Georgia to also be licensed in Georgia. The punishment is a misdemeanor.

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| Authored By: | Rep. Darlene Taylor (173rd) | Committee Action: | 02-26-2016 Do Pass |
| House Committee: | Juvenile Justice | | |

Ways & Means Committee

HB 285 Income tax credit; film, video, and digital production in Georgia; change certain qualifications

Bill Summary: HB 285, the 'Georgia Small Entertainment Industry Investment Act,' provides an income tax credit for pre-production, production, and post-production expenditures in Georgia by qualified entertainment production companies. Qualified production companies must have a base investment in pre-production, production, or post-production of \$500,000 or less. This income tax credit applies to small entertainment companies that do not qualify for current film tax credits.

Qualified production companies must obtain preapproval from the Department of Economic Development, which shall promulgate rules and regulations governing the program before receiving the credit. The pre-approval process will be regulated by the department, and will ensure that the qualified production company meets the minimum requirements to obtain credits, including but not limited to the employment of Georgia citizens, production in whole or in part within the state at a sufficient level to justify the awarding of a credit, and the placement of a Georgia promotional logo in the final work product.

The maximum credit for any one qualified production company and its affiliates is \$150,000 per taxable year, and the credits are capped at \$6 million annually. The credits are able to be transferred and sold subject to written notification to both the Department of Economic Development and the Department of Revenue. Failure to comply with the rules and regulations governing the transfer and sale of tax credits will result in the disallowance of the tax credit pending full compliance. The legislation applies to taxable years beginning on or after January 1, 2016, and shall become effective upon approval by the Governor or upon its becoming law without such approval.

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| Authored By: | Rep. Ron Stephens (164th) | Committee Action: | 02-26-2016 Do Pass by Committee Substitute |
| House Committee: | Ways & Means | | |

HB 365 Alternative ad valorem tax; motor vehicles; change certain provisions

Bill Summary: This legislation provides that in any county in which an ad valorem tax was levied on motor vehicles pursuant to a local constitutional amendment on behalf of a local governing authority on March 1, 2013, the proceeds must be equally distributed to the percentage collected in the 2012 taxable year.

Authored By: Rep. David Knight (130th)
House Committee: Ways & Means

Committee Action: 02-26-2016 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](#).*

Monday, February 29, 2016

10:00 AM [Floor Session \(LD 30\)](#) House Chamber

9:00 AM [RULES](#) 341 CAP