



# CAPITAL RETAIL REPORT

April 8, 2009

## COMPREHENSIVE LISTING OF RETAIL LEGISLATIVE ISSUES And Their FATE QUOTE TO PONDER

Please remember Georgia has a two-year legislative session, so bills not voted upon remain alive in 2010.

### Legislative Issues By Category

1. AD VALOREM TAXES
2. SALES TAXES
3. INCOME TAXES
4. PHARMACY
5. THEFT AND LOSS PREVENTION
6. CONSUMER/EMPLOYEE
7. LEGAL ISSUES
8. ELECTRONICS/TELEPHONE
9. TRANSPORTATION
10. FIREARMS
11. ALCOHOL and TOBACCO
12. LICENSE, FEE and REGULATORY ISSUES
13. ENERGY and the ENVIRONMENT
14. PRODUCT SAFETY

### 1. AD VALOREM TAXES

**HR 1 – Cap on Assessments**, Representative Edward Lindsey, a Republican from Atlanta, along with House Majority Leader Jerry Keen as cosponsor, have sponsored a resolution calling for a constitutional amendment to cap the rate of property tax reassessment at the lesser of 3 percent or the rate of inflation.  
[http://www.legis.ga.gov/legis/2009\\_10/sum/hr1.htm](http://www.legis.ga.gov/legis/2009_10/sum/hr1.htm)

**Status:** Failed in house, vote to reconsider passed, however bill did not move

**SR 2 - Reducing ad Valorem Taxes**, sponsored by Senator Mitch Seabaugh, Republican 28<sup>th</sup> District, would propose an amendment to the Constitution which would authorize the reduction or elimination of local ad valorem taxation and replacement with a sales and use tax at any rate not to exceed 1 percent. The reduction would be a dollar-for-dollar credit and would be reflected on the ad valorem tax bill of each taxpayer. Any excess proceeds remaining after eliminating 100 percent of property taxes of the local taxing jurisdiction would be used to reduce or eliminate general obligation debt of the local taxing jurisdiction.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sr2.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sr2.htm)

**Status:** Failed - not considered by the Senate

**HB 4 - Income Tax Credit for ad Valorem Taxes**, sponsored by Representative Kevin Levitas, a Democrat from Atlanta, would allow a credit against qualified ad valorem tax expenses in an amount not to exceed the actual amount expended. The tax credit, as proposed by Levitas, could not exceed the taxpayer's income tax liability, nor could the amount of unused tax credit be used against succeeding



# CAPITAL RETAIL REPORT

years' tax liability. No such tax credit shall be allowed the taxpayer against prior years' tax liability. The qualifier is that in any tax year in which the commissioner determines that the aggregate amount of state reserve funds is less than \$500 million, no tax credit shall be claimed or allowed under this Code section for that tax year.

[http://www.legis.ga.gov/legis/2009\\_10/versions/hb4\\_LC\\_18\\_7682\\_pf\\_2.htm](http://www.legis.ga.gov/legis/2009_10/versions/hb4_LC_18_7682_pf_2.htm)

**Status:** Failed – did not come out of Ways & means subcommittee

**HB 5 - Income Tax Credit for Qualified Ad Valorem Tax Expenses**, sponsored by Representative Kevin Levitas, a Democrat from Atlanta, would provide a credit for ad Valorem taxes on real property and personal property used for business or commercial purposes. This bill also contain the qualifier that in any tax year in which the commissioner determines that the aggregate amount of state reserve funds is less than \$500 million, no tax credit shall be claimed or allowed under this Code section for that tax year.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb5.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb5.htm)

**Status:** Failed – not assigned to a committee by the house

**HR 9 – Freedom of Ownership Act**, sponsored by Republican Representatives Ed Setzler, (R) 35<sup>th</sup> and Melvin Everson, (R) 106<sup>th</sup> would propose a constitutional amendment which would provide a complete and permanent exemption from ad valorem taxes and fees for any and all purposes for property if the taxpayer pays an amount equal to 20 times the amount of ad valorem taxes and fees due and payable for the current-year assessed value of such property. Any additions or improvements which are added subsequent to the granting of the exemption shall not be exempt until the taxpayer pays an amount equal to 20 times the amount of ad valorem taxes and fees due and payable for the current-year assessed value of such additions or improvements.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr9.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr9.htm)

**Status:** Failed - no action taken by Ways & Means Committee

**HB 18 – Elimination of Ad Valorem Taxes**, was also pre-filed by Representative Tim Bearden, a Republican from Villa Rica. The bill "Small Business and Jobs Protection Act of 2010," would exempt the inventory of a business from ad Valorem taxes.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb18.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb18.htm)

**Status:** Failed - no action taken by Ways & Means Committee

**HR 27 – Abolishing Property Taxes, Substituting Sales Taxes**, sponsored by representatives Bobby Franklin, (R) 43<sup>rd</sup>, Barry Loudermilk (R) 14<sup>th</sup>, and Jill Chambers (R) 2081<sup>st</sup>, would abolish ad valorem taxes and fees on real or personal property and substitute a sales and use tax.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr27.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr27.htm)

**Status:** Failed - no action taken by Ways & Means Committee

**HB 74 – Defining Revenue and Taxation**, sponsored by Representative Larry O'Neal, (R) 146<sup>th</sup>, would provide definitions of revenue and taxation.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb74.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb74.htm)

**Status:** Passed by both houses, awaiting action by the governor

**SB 77 – Special Tax Levies for Police and Fire Protection**, sponsored by senators Kasim Reed, (D) 35<sup>th</sup>, Horacena Tate, (D) 38<sup>th</sup>, Nan Orrock, (D) 36<sup>th</sup>, Vincent Fort, (D) 39<sup>th</sup> and Emanuel Jones (D) 10<sup>th</sup>, would create a special tax districts in all cities which employ in excess of 1,500 police officers and



# CAPITAL RETAIL REPORT

firefighters would allow those cities to impose and levy a special district tax to pay for those police and fire services.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb77.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb77.htm)

**Status:** Failed – passed by the Senate on 3/12/09, no action taken by House Ways & Means Com.

**HB 233 – Freeze on Property Taxes**, sponsored by Representative Edward Lindsey, (R) 54<sup>th</sup>, would provide for a two-year moratorium on increasing the assessed value of real estate.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb233.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb233.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HR 341 – Replacing Property Tax with Sales Tax Revenue**, sponsored by representatives Mark Butler, (R) 18<sup>th</sup> and Randy Nix, (R) 69<sup>th</sup>, would allow school districts to raise money via a 1cent sales and use tax. Revenue raised by the sales and use tax would require a corresponding decrease in property millage rate.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr341.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr341.htm)

**Status:** Failed – no action taken by House Ways & Means Committee

**HR 442 - House Study Committee on the Review, Evaluation, and Analysis of State Tax**

**Exemptions**, sponsored by representatives Burke Day, (R) 163<sup>rd</sup>, Ron Stephens, (R) 164<sup>th</sup>, Butch Parish, (R) 156<sup>th</sup>, Kevin Levitas, (D) 82<sup>nd</sup>, Austin Scott, (R) 153<sup>rd</sup>, and Fran Millar, (R) 79<sup>th</sup>, would create a House Study Committee to review, evaluate, and analyze all state tax exemptions.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr442.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr442.htm)

**Status:** Failed – no action taken by House Ways & Means Committee

**HB 480**, sponsored by representatives Harry Geisinger, (R) 48<sup>th</sup>, Alan Powell, (D) 29<sup>th</sup>, Tom Rice, (R) 51<sup>st</sup>, Stacey Abrams, (D) 84<sup>th</sup>, and Alan Peake, (R) 137<sup>th</sup>, would substitute a one-time fee of 7 percent of the car's value, or \$2,000, whichever is less, and do away with the annual ad Valorem property tax on automobiles.

[http://www.legis.state.ga.us/legis/2009\\_10/fulltext/hb480.htm](http://www.legis.state.ga.us/legis/2009_10/fulltext/hb480.htm)

**Status:** Failed – passed by the House on 3/12/09, tabled by the Senate on 4/1/09

## **SALES TAX**

**HR 3 – Provided for an Immediate Consideration of Gubernatorial Vetoes**, sponsored by Kevin Levitas, an Atlanta Democrat, would call for an immediate consideration of a vote to override a veto by the other Chamber of the General Assembly. (During the 2008 session, the House voted to override 12 vetoes by Governor Sonny Perdue, but Senate allowed one to come to a vote.)

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr3.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr3.htm)

**Status:** Failed – not assigned to committee

**HB 6 - Sales and use tax for energy or water efficient products**; sponsored by Representative Kevin Levitas, a Democrat from Atlanta, would provide for an exemption from sales and use tax with respect to certain sales of certain energy efficient products or water efficient product; with a sales price of \$1,500.00 or less per product purchased for noncommercial home or personal use from 12:01 AM on October 1, 2009, and concluding at 12:00 Midnight on October 4, 2009.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb6.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb6.htm)

**Status:** Failed – not assigned to committee



# CAPITAL RETAIL REPORT

**HB 25 – Estimated Tax Liability Sales and Use Tax Returns**, sponsored by Representative Martin Scott, Republican 2<sup>nd</sup>, would remove the requirement for a merchant to file a return and remit to the revenue commissioner for estimated sales and use tax liability.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb25.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb25.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 39- Increasing Excise Tax on Tobacco**, sponsored by Ron Stephens, (R) 164<sup>th</sup>, would increase excise taxes on cigarettes from 37¢ to \$1.37 per pack and increase the excise tax on loose or smokeless tobacco from 10 percent of the wholesale cost price to 25% of the wholesale price.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb39.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb39.htm)

**Status:** Failed – held in House Ways & Means Committee

**SB 39 - 1% Sales Tax for Transportation Projects**, sponsored by senators Jeff Mullis, (R) 53<sup>rd</sup>, Doug Stoner, (R) 6<sup>th</sup>, Tommie Williams, (R) 19<sup>th</sup>, Kasim Reed, (D) 35<sup>th</sup>, Chip Rogers, (R) 21<sup>st</sup>, and Tim Golden, (D) 8<sup>th</sup>, would provide for a 1 percent sales tax to be used to fund transportation projects in special transportation districts within the state.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb39.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb39.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 59 - Sales Tax Exclusion for Some Controlled Substances**, sponsored by representatives Larry O`Neal, (R) 146<sup>th</sup>, Jim Cole, (R) 125<sup>th</sup>, Jimmy Pruet, (R) 144<sup>th</sup>, Rich Golich, (R) 34<sup>th</sup>, and Buddy Harden (R) 147<sup>th</sup>, would exempt from sales and use taxes those controlled substances and dangerous drugs, which are either sold or are distributed without charge to physicians, dentists, clinics, hospitals, or any other person or entity located in Georgia by a pharmaceutical manufacturer or distributor; and would exempt from sales and use taxes controlled substances which are lawfully dispensed without charge for the purposes of a clinical trial approved by an institutional review board which has been accredited by the Association for the Accreditation of Human Research Protection Programs.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb59.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb59.htm)

**Status:** Passed by both Houses, awaiting action by the governor

**HB 61 – Dedication of the Final One Percent Sales Tax from Motor Fuels**, sponsored by representatives Steve Davis, (R) 109<sup>th</sup>, Barry Loudermilk, (R) 14<sup>th</sup>, Mark Hatfield, (R) 177<sup>th</sup>, Ed Setzler, (R) 35<sup>th</sup>, Melvin Everson, (R) 106<sup>th</sup> and Tom Graves, (R) 12<sup>th</sup>, would exempt an additional one percent of sales tax from motor fuels. Currently the first three percent of sales taxes levied by the state on motor fuels are dedicated to highways. This bill would add the additional one percent of state sales tax to that category. In effect that would dedicate the state portion of the sales tax revenue from motor fuel completely to highways.

[http://www.legis.ga.gov/legis/2009\\_10/sum/hb61.htm](http://www.legis.ga.gov/legis/2009_10/sum/hb61.htm)

**Status:** Failed - held in House Ways & Means Committee

**HB 66 – Using Local Option Sales Taxes to Fund Water and Sewer Projects**, sponsored by Representative Chuck Sims, (R) 169<sup>th</sup>, would provide for funding of water and sewer projects through the levy and collection of a municipal option sales and use tax.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb66.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb66.htm)

**Status:** Failed – held in House Ways & Means Committee



# CAPITAL RETAIL REPORT

**HB 67 – Removing Sales Tax Exclusion From Food Sales**, sponsored by Representative Chuck Sims, (R) 109<sup>th</sup>, would repeal the sales and use tax exemption for eligible foods and beverages and allow a tax credit equal to 4 percent of food expenses against a Georgia taxpayer's income tax return liability. Aimed at taxing non residents and illegal residents, this bill was passed by the Ways and Means Committee on March 5, 2009.

[http://www.legis.ga.gov/legis/2009\\_10/sum/hb67.htm](http://www.legis.ga.gov/legis/2009_10/sum/hb67.htm)

**Status:** Failed – passed by Ways & means, action stopped in Rules Committee

**HB 97 – Sales Tax Holiday**, sponsored by representatives Stephanie Benfield, (D) 85<sup>th</sup>, Mark Williams, (D) 178<sup>th</sup>, Matt Ramsey (R) 72<sup>nd</sup>, and Kevin Levitas, (D) 82<sup>nd</sup>, would provide an exemption from sales tax on articles of clothing and footwear with a sales price of \$100.00 or less; personal computers and personal computer related accessories with a sales price of \$1,500 or less; and general school supplies with a sales price of \$20.00 per item including pens, pencils, notebooks, paper, book bags, dictionaries, and thesauruses. (Calculators are not covered in this bill).

The sales tax exemptions would apply only to sales occurring during a period commencing at 12:01 A.M. July 30, 2009, and concluding at 12:00 Midnight on August 3, 2009.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb97.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb97.htm)

**Status:** Failed – held in House Ways & Means Committee – HB 120 was passed however

**HB 120 – Sales Tax Holiday**, sponsored by representatives Lynn Smith (R) 70<sup>th</sup>, Katie Dempsey (R) 13<sup>th</sup>, Willie Talton (R) 145<sup>th</sup>, Michael Harden (R) 147<sup>th</sup>, and Alan Powell (D) 171<sup>st</sup>, would provide an exemption from sales tax on articles of clothing and footwear with a sales price of \$100.00 or less; personal computers and personal computer related accessories with a sales price of \$1,500 or less; and general school supplies with a sales price of \$20.00 per item including pens, pencils, notebooks, paper, book bags, dictionaries, calculators and thesauruses from at 12:01 A.M. July 30, 2009, and concluding at 12:00 midnight on August 2, 2009.

It also provides a sales tax holiday on the purchase of energy efficient products and water efficient products with a sales price of \$1,500.00 or less per product purchased for noncommercial home or personal use from 12:01 A.M. on October 1, 2009, and concluding at 12:00 midnight on October 4, 2009.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb120.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb120.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HR 281- Elimination of all Sales and Use Tax Exemptions**, sponsored by representatives Debbie Buckner, (D) 130<sup>th</sup>, Kathy Ashe, (D) 56<sup>th</sup>, Mary Margaret Oliver, (D) 83<sup>rd</sup>, Pat Dooley, (D) 38<sup>th</sup>, Pat Gardner, (D) 57<sup>th</sup>, would offer an amendment to the Constitution which would limit sales and use tax exemptions to three year periods.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr281.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr281.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 334 – Lowering the Threshold for Electronic Payment of Sales Taxes**, sponsored by representatives David Knight, (R) 126<sup>th</sup>, Allen Peake, (R) 137<sup>th</sup>, Larry O`Neal, (R) 146<sup>th</sup>, and Jay Roberts, (R) 154<sup>th</sup>, would lower the threshold for requiring electronic funds transfer of sales tax revenue to the Department of Revenue from \$5,000 per month to \$1,000 on January 1, 2010 and \$500 per month on January 1, 2011.

[http://www.legis.state.ga.us/legis/2009\\_10/fulltext/hb334.htm](http://www.legis.state.ga.us/legis/2009_10/fulltext/hb334.htm)



# CAPITAL RETAIL REPORT

**Status:** Passed by both houses, awaiting action by the governor

**HB 335 – Garnishment for Sales and Use Taxes**, sponsored by representatives David Knight, (R) 126<sup>th</sup>, Allen Peake, (R) 137<sup>th</sup>, Larry O`Neal, (R) 146<sup>th</sup>, and Jay Roberts, (R) 154<sup>th</sup>, would allow garnishment for unpaid sales and use taxes.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb335.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb335.htm)

**Status:** Failed -passed by the House on March 12, action stopped in Senate Rules Committee

**SR 335 - State Taxation For The Penny For The Kids Trust Fund**, sponsored by Senator Curt Thompson, (D) 5<sup>th</sup>, would assess a statewide one cent sales tax to fund PeachCare for Kids.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sr335.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sr335.htm)

**Status:** Failed – held in Senate Finance Committee

**HR 341 – Replacing Property Tax with Sales Tax Revenue**, sponsored by representatives Mark Butler, (R) 18<sup>th</sup> and Randy Nix, (R) 69<sup>th</sup>, would allow school districts to raise money via a 1cent sales and use tax. Revenue raised by the sales and use tax would require a corresponding decrease in property millage rate.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr341.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr341.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 356 – Local Collection of Sales and Use Taxes**, sponsored by Virgil Fludd, (D) 66<sup>th</sup>, Calvin Smyre, (D) 132<sup>nd</sup>, DuBose Porter, (D) 143<sup>rd</sup>, and Margaret Kaiser, (D) 59<sup>th</sup>, would allow counties to hire private firms to collect sales and use taxes.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb356.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb356.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 358 – Sales Tax Exemption for Donated Food**, sponsored by Representative Chuck Martin, (R) 47<sup>th</sup>, would exempt from sales and use taxes food donated for hunger relief purposes and disaster relief purposes to 501(c)3 organizations from July 1, 2007 to June 30, 2011.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb358.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb358.htm)

**Status:** Failed - passed by the House on March 12, action stopped in Senate Rules Committee

**HB 441 – Filing for Sales Tax Refunds**, sponsored by Representative O`Neal, (R) 146<sup>th</sup>, would require a taxpayer who wishes to expedite the payment of a sales and use tax claim for refund to file a bond with Department of Revenue Commissioner. The commissioner, in turn, must issue the refund within 30 days of the date of the posting of the approved bond. Any assessment of tax, interest, penalties, fees, or costs related to the payment of such refund claim shall be made within three years after the date that such refund was paid by the commissioner.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb441.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb441.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 425 - Deduction Of Bad Debts For Sales And Use Tax**, sponsored by Representative James Mills, (R) 25<sup>th</sup> would allow an assignee of private label credit card debt purchased directly from a dealer without recourse or a credit card bank which extends such credit to customers under a private label credit card program to take a deduction or receive a refund for private label credit card bad debts.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb425.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb425.htm)



# CAPITAL RETAIL REPORT

**Status:** Failed – held in House Ways & Means Committee, language of this bill was inserted by amendment into HB 485 in Senate, but stripped out by the House

## 2. INCOME TAXES

**HB 17 – Elimination of Corporate Income Taxes**, sponsored by Tim Bearden, a Republican from Villa Rica, entitled the “Small Business and Jobs Protection Act of 2009,” would eliminate corporate income taxes, beginning January 1, 2010.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb17.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb17.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 186 – Teleworking Tax Credits**, sponsored by representatives Chuck Martin, (R) 47<sup>th</sup>, Karla Drenner, (D) 86<sup>th</sup> and Clay Cox, (R) 102<sup>nd</sup>, would allow tax credits for teleworking arrangements.

[http://www.legis.ga.gov/legis/2009\\_10/sum/hb186.htm](http://www.legis.ga.gov/legis/2009_10/sum/hb186.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 379 – Disallowing Income Tax Expenses Paid For Real Estate Investment Trusts**, sponsored by Representative Larry O’Neal, (R) 146<sup>th</sup>, would disallow the shielding of income received through a real estate investment trust.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb379.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb379.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 405 – Tax Credits for Reducing Water Use**, sponsored by representatives Joe Wilkinson, (R) 52<sup>nd</sup>, Ron Stephens, (R) 164<sup>th</sup>, Mike Coan, (R) 101<sup>st</sup>, Jimmy Pruett, (R) 144<sup>th</sup>, DuBose Porter, (R) 143<sup>rd</sup>, would allow any taxpayer who is the ultimate purchaser of an item of designated as a “WaterSense” as part of new construction or for retrofit in this state shall be allowed a single credit against the tax not to exceed the lesser of 25 percent of the cost thereof or \$5,000.00 in the taxable year in which such qualified equipment is placed in service. The credit would be transferable by the taxpayer to a taxpayer that is a homebuilder, home remodeler, or manufacturer, seller, or installer of qualified equipment.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb405.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb405.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 419 - Income Tax Credit For Solar Domestic Water Heaters**, sponsored by representatives Lynn Smith, (R) 70<sup>th</sup>, Earl Ehrhart, (R) 36<sup>th</sup>, Ron Stephens, (R) 164<sup>th</sup>, Rich Golich, (R) 34<sup>th</sup>, Mike Jacobs, (D) 80<sup>th</sup>, and Stacey Abrams, (D) 84<sup>th</sup>, would extend the period when one may apply for a tax credit for the installation for a qualified solar water heater.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb419.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb419.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 427 – Redefining an Enterprise Zone**, sponsored by representatives Ron Stephens, (R) 164<sup>th</sup>, Wendell Willard, (R) 49<sup>th</sup>, Al Williams, (R) 165<sup>th</sup>, Cecily Hill, (R) 180<sup>th</sup>, and Craig Gordon, (D) 162<sup>nd</sup>, would define a poverty zone for the identification of an enterprise zone as parcels within or adjacent to a census block group where the ratio of income to poverty level for at least 15 percent of the residents shall be less than 1.0.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb427.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb427.htm)

**Status:** Passed by both houses, awaiting action by the governor



# CAPITAL RETAIL REPORT

**HB 438 - Income Tax Credits For Qualified Jobs And Projects**, sponsored by representatives Larry O'Neal, (R) 146<sup>th</sup> and Ron Stephens, (R) 164<sup>th</sup>, would exclude retailers from receiving job-retraining tax credits; would eliminate the existing headquarters tax credit and in its place would establish a tax credit for any job created that pays a higher wage than the average wage in the county in which the job is created and Finally, provide a Mega Tax Credit for qualifying companies that agree to create a minimum of 1,800 jobs and either invests a minimum of \$450 million in a project *or* brings an annual payroll of \$150 million to the state.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb438.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb438.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 439 – Income Tax Credits for Employee Re-Training**, sponsored by representatives Larry O` Neal, (R) 146<sup>th</sup> and Ron Stephens, (R) 164<sup>th</sup>, would provide income tax credits for retraining staff.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb439.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb439.htm)

**Status** – Passed by both houses, awaiting action by the governor

**HB 443 - Cost-of-Living Tax Fairness Act**, sponsored by Martin Scott, (R) 2<sup>nd</sup>, Tom Graves, (R)12<sup>th</sup>, Sean Jerguson, (R) 22<sup>nd</sup>, Kevin Levitas, (D) 82<sup>nd</sup>, Jay Roberts, (R) 154<sup>th</sup>, and Mike Jacobs, (R) 80<sup>th</sup>, would provide for annual adjustments to the taxable net income brackets, indexing them, to the CPI.

[http://www.legis.ga.gov/legis/2009\\_10/sum/hb443.htm](http://www.legis.ga.gov/legis/2009_10/sum/hb443.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 458 – Local Collection Of Sales And Use Tax**, sponsored by Allen Peake, (R) 137<sup>th</sup>, Chuck Sims, (R) 169<sup>th</sup>, Charles Martin, (R) 47<sup>th</sup>, Ron Stephens, (R) 164<sup>th</sup>, Margaret Kaiser, (R) 59<sup>th</sup>, and Virgil Fludd, (R) 66<sup>th</sup>, would allow any county or municipality to contract with a private contractor to administer, collect, and distribute any local or special district sales and use taxes.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb458.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb458.htm)

**Status:** Failed – held in House Ways & Means Committee

**HB 482 – Removing The Tax On Business Inventory**, sponsored by representatives Tom Graves, (R) 12<sup>th</sup>, Mark Burkhalter, (R) 50<sup>th</sup>, Jerry Keen, (R) 179<sup>th</sup>, Earl Ehrhart, (R) 36<sup>th</sup>, Tom Rice, (R) 51<sup>st</sup>, and Tim Bearden, (R) 68<sup>th</sup>, would exempt all the inventory of a business from state ad valorem taxation."

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb482.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb482.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 485 – Requirements for Claiming Credits for Port Traffic**, sponsored by Representative Larry O'Neal, (R) 146<sup>th</sup>, would allow a \$1,250.00 job tax credit to a business enterprise which increased its port traffic of products during the previous 12 month period by more than 10 percent above its base year.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb485.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb485.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 519 – Allowing An Income Tax Credit For Qualified Water And Energy Efficient Product Expenses**, sponsored by representatives Virgil Fludd, (D) 66<sup>th</sup>, Howard Mosby, (D) 90<sup>th</sup>, Stacey Abrams, (D) 84<sup>th</sup> and Debbie Buckner, (D) 130<sup>th</sup> would provide a \$500 tax credit for the purchase a qualified WaterSense OR EnergySTAR product.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb519.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb519.htm)

**Status:** Failed – held in House Ways & Means Committee



# CAPITAL RETAIL REPORT

**HB 581 – Job Creation Act**, sponsored by representatives Mike Coan, (R) 101<sup>st</sup>, Jeff May, (R) 111<sup>th</sup>, Billy Horne, (R) 71<sup>st</sup>, Pedro Marin, (D) 96<sup>th</sup>, Bobby Reese, (R) 98<sup>th</sup> and Buddy Carter, (R) 159<sup>th</sup>, would provide incentives to employers for complying with the Employment Security Law and establish a credit to employers for hiring unemployment claimants.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb581.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb581.htm)

**Status:** Passed by both houses, awaiting action by the governor

### 3. PHARMACY

**SB 3 - Prior Authorization for Prescription Drugs**, sponsored by senators Jack Murphy, (R) 7<sup>th</sup>, Lee Hawkins, (R) 49<sup>th</sup>, Tommie Williams, (R) 19<sup>th</sup>, Don Thomas, (R) 54<sup>th</sup>, Ed Harbison (R) 15<sup>th</sup>, and Bill Jackson, (R) 24<sup>th</sup>, would require that insurers establish procedures to ensure there is a response to a request for prior authorization for a prescription drug by telephone or other telecommunication device within 24 hours after receipt of such a request.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb3.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb3.htm)

**Status:** Failed – held in Senate Industry & Labor Committee

**SB 10 - Single Dose Pseudoephedrine (60 Milligram Or Less) From Controlled Substances**, sponsored by Senator John Douglas, Republican 17<sup>th</sup>, would remove the exception for pseudoephedrine in a single dose unit of 60 milligrams or less, when a single dosage unit is 60 mg. or less or when manufactured in an extended release form with a dosage unit of 240 mg or less from the list of controlled substances, thereby making it available by prescription only.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb10.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb10.htm)

**Status:** Failed – recommitted to Senate Health & Human Services Committee

**SB 49 – Limiting a Pharmacist from Substituting a Drug as Part of Immunosuppressive Therapy.** This bill was originally the Georgia Registered Nurse Practice Act, but was gutted and the current, adopted language inserted by the House. The bill, if signed by the governor, will prevent a pharmacist from substituting any primary immunosuppressant pharmaceutical that is prescribed as a part of immunosuppressive therapy for a patient who has received an organ or tissue transplant without first notifying the patient or his or her designee. The will be required to notify the prescribing physician prior to the substitution by means of phone, facsimile, or electronic transmission. The prescribing physician shall indicate on the prescription the diagnosis 'for organ or tissue transplant patient.'

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb49.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb49.htm)

**Status:** Passed by both houses with amended language, awaiting action by the governor.

**SB 56 - Georgia StopMeth Log**, sponsored by senators Gloria Butler, (D) 55<sup>th</sup>, Valencia Seay, (D) 34<sup>th</sup>, David Adelman, (D) 42<sup>nd</sup>, Robert Brown, (D) 26<sup>th</sup>, Kasim Reed, (D) 35<sup>th</sup> and Horacena Tate, (D) 38<sup>th</sup>, would require the state to establish and retailers to participate in a real-time, on-line pseudoephedrine reporting log. This bill was passed by the Senate on March 12<sup>th</sup> and referred to the House Non-Civil Judiciary Committee.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb56.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb56.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 59 - Sales Tax Exclusion for Some Controlled Substances**, sponsored by representatives Larry O`Neal, (R) 146<sup>th</sup>, Jim Cole, (R) 125<sup>th</sup>, Jimmy Pruet, (R) 144<sup>th</sup>, Rich Golich, (R) 34<sup>th</sup>, and Buddy Harden (R) 147<sup>th</sup>, would exempt from sales and use taxes those controlled substances and dangerous drugs,



# CAPITAL RETAIL REPORT

which are either sold or are distributed without charge to physicians, dentists, clinics, hospitals, or any other person or entity located in Georgia by a pharmaceutical manufacturer or distributor; and would exempt from sales and use taxes controlled substances which are lawfully dispensed without charge for the purposes of a clinical trial approved by an institutional review board which has been accredited by the Association for the Accreditation of Human Research Protection Programs.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb59.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb59.htm)

**Status:** Passed by both houses, awaiting action by the governor

**SB 123 – Defining and Licensing Pharmacy Benefit Managers**, sponsored by Lee Hawkins, (R) 49<sup>th</sup>, Jack Murphy, (R) 27<sup>th</sup>, Ralph Hudgens, (R) 47<sup>th</sup>, Don Thomas, (R) 54<sup>th</sup> and Tommie Williams, (R) 19<sup>th</sup>, would define and provide for the regulation and licensure of pharmacy benefits managers by the Commissioner of Insurance.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb123.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb123.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 194- Generic Substitution of Drugs**, sponsored by representatives Fran Millar, (R) 79<sup>th</sup>, Sharon Cooper, (R) 41<sup>st</sup>, Tom Rice (R) 51<sup>st</sup>, Carolyn Hugley, (D) 133<sup>rd</sup>, and Rob Teilhet, (D) 40<sup>th</sup>, would require that whenever a pharmacist substitutes a generic drug product for a brand name prescribed drug product he/she must place language on the prescription label explaining the generic substitution, unless the prescribing practitioner indicated that the name of the drug may not appear upon the prescription label."

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb194.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb194.htm)

**Status:** Failed – passed by the House on 2/10, held in Senate Health & Human Services Committee

**SB 195 – Request for A Pharmacy License**, sponsored by senators Ronnie Chance, (R) 16<sup>th</sup>, Cecil Staton, (R) 18<sup>th</sup>, David Shafer, (R) 48<sup>th</sup> and Chip Pearson, (R) 51<sup>st</sup>, would redefine the procedures for making and an application for a pharmacy license and set a twice-a-year timetable for the board exam. The bill was amended and now requires that when a pharmacist substitutes a generic drug product for a brand name prescribed drug product, the brand name and the generic name of the drug product, with an explanation of 'generic for (insert name of brand name prescribed drug product)' or similar language to indicate substitution has occurred, must appear on the prescription label and be affixed to the container or an auxiliary label.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb195.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb195.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 217 – Provision of Flu Shots**, sponsored by representatives Jimmy Pruett, (R) 144<sup>th</sup>, Mickey Channell, (R) 116<sup>th</sup>, Buddy Carter, (R) 159<sup>th</sup>, Sharon Cooper, (R) 41<sup>st</sup>, and Ron Stephens, (R) 164<sup>th</sup>, would establish the protocol for providing flu shots in retail establishments and other locations.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb217.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb217.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 273 - Georgia Prescription Monitoring Program Act**, sponsored by representatives Ron Stephens, (R) 164<sup>th</sup>, Buddy Carter, (R) 159<sup>th</sup>, Buddy Harden (R) 147<sup>th</sup>, and Butch Parrish, (R) 156<sup>th</sup>, would require that retail pharmacies collect and submit certain information Schedule II, III, IV, or V controlled substance. The information submitted for each prescription shall include, but not be limited to:

- (1) United States Drug Enforcement Administration (DEA) permit number or approved dispenser facility identification number;
- (2) Date prescription filled;



# CAPITAL RETAIL REPORT

- (3) Prescription number;
- (4) Whether prescription is new or a refill;
- (5) National Drug Code (NDC) for drug dispensed;
- (6) Quantity dispensed;
- (7) Number of days' supply of the drug;
- (8) Patient's name;
- (9) Patient's address;
- (10) Patient's date of birth;
- (11) Approved prescriber identification number;
- (12) Date prescription issued by prescriber; and
- (13) Other data elements consistent with standards established by the American Society for Automation in Pharmacy, if designated by regulations of the board.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb273.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb273.htm)

**Status:** Failed – held in House Health & Human Services Committee

**HB 368 – Annual Bill for Schedule II, III, and IV Controlled Substances**, sponsored by representatives Ron Stephens, (R) 164<sup>th</sup>, Butch Parrish, (R) 156<sup>th</sup>, Buddy Carter, (R) 159<sup>th</sup>, Harden of the 147<sup>th</sup>, and Bobby Parham, (D) 141<sup>st</sup>, would amend Chapter 13 of Title 16 of the Official Code of Georgia Annotated, relating to controlled substances, so as to change certain provisions relating to Schedule II, III, and IV controlled substances.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb368.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb368.htm)

**Status:** Passed by the House on 3/9/09, held in Senate Rules Committee

**HB 369 - Pharmacy Free Choice**, sponsored by representatives Ron Stephens, (R) 164<sup>th</sup>, Butch Parrish, (R) 156<sup>th</sup>, Buddy Carter, (R) 159<sup>th</sup>, Harden of the 147<sup>th</sup>, and Bobby Parham, (D) 141<sup>st</sup>, would make it unlawful to prevent an plan enrollee from exercising free choice in selecting his or her pharmacy. It shall be unlawful for any pharmacy benefit manager, either directly or indirectly, to require or encourage the use of, or to favor in any way, a particular pharmacy or chain of pharmacies in approving the use of a prescription drug.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb369.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb369.htm)

**Status:** Failed – held by House Insurance Committee

**HB 523 – Requiring Brand Name Pharmaceuticals**, sponsored by representatives John Lunsford, (R) 110<sup>th</sup>, Sharon Cooper, (R) 41<sup>st</sup>, Ben Harbin, (R) 118<sup>th</sup>, Nikki Randall, (D) 138<sup>th</sup>, Sean Jerguson, (R) 22<sup>nd</sup>, and Mark Burkhalter, (R) 50<sup>th</sup>, would preclude a pharmacist from substituting a generic name drug in lieu of a brand name drug by including the words 'brand necessary' in the body of the prescription.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb523.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb523.htm)

**Status:** Failed – lost on House floor, reconsidered and recommitted to committee

**HB 614 - Georgia Prescription Monitoring Program Act**, sponsored by Sharon Cooper, (R) 41<sup>st</sup>, and Ron Stephens, (R) 164<sup>th</sup>, would require the reporting by those filing prescriptions for scheduled substances.

[http://www.legis.ga.gov/legis/2009\\_10/versions/hb614\\_LC\\_33\\_3111S\\_hs\\_4.htm](http://www.legis.ga.gov/legis/2009_10/versions/hb614_LC_33_3111S_hs_4.htm)

**Status:** Failed – passed by the House on 3/12/09, defeated by the Senate on 3/30/09

**HB 681 – Generic Substitution of Drugs**, sponsored by Charlice Byrd, (R) 20<sup>th</sup>, John Lunsford, (R) 110<sup>th</sup>, Robbin Shipp, (D) 58<sup>th</sup>, Calvin Hill, (R) 21<sup>st</sup>, Mike Cheokas, (D) 134<sup>th</sup> and Jimmy Pruett, (D) 144<sup>th</sup>,



# CAPITAL RETAIL REPORT

would require that whenever a pharmacist makes a drug substitution, that he record on the original prescription the fact that there has been a substitution and the identity of the dispensed drug product and its manufacturer.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb681.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb681.htm)

**Status:** Failed – held in House Health & Human Services Committee

## **5. THEFT AND LOSS PREVENTION**

**SB 52 – Creating a Metal Theft Registry**, sponsored by senators Seth Harp (R) 29<sup>th</sup>, John Douglas, (R) 17<sup>th</sup>, Cecil Staton, (R) 18<sup>th</sup>, Jack Murphy (R) 27<sup>th</sup>, Gloria Bulter, (D) 55<sup>th</sup>, and Ross Tolleson (D) 29<sup>th</sup>, would create a registry for persons convicted of certain metal theft crimes.

[http://www.legis.ga.gov/legis/2009\\_10/sum/sb52.htm](http://www.legis.ga.gov/legis/2009_10/sum/sb52.htm)

**Status:** Failed – held in Senate Rules Committee

**SB 162 – Requiring Training And Authorizing Security Guards/Detectives To Obtain Individual Licensure**, sponsored by senators Johnny Grant, (R) 25<sup>th</sup> and Tommie Williams, (R) 19<sup>th</sup>, would require board mandating training within 180 days of hiring for all armed security guards and detectives.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb162.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb162.htm)

**Status:** Passed by both houses, awaiting action by the governor

## **6. CONSUMER/EMPLOYEE ISSUES**

**HB 16 – Prohibiting Electronic Tracking of Individuals**, sponsored by Kevin Levitas, Democrat, 82<sup>nd</sup> District, would prohibit the use of electronic tracking device to determine the location or movement of another person without such other person's consent. Exclusions include the registered owner, lessor, or lessee of a vehicle who has consented to the use of the electronic tracking device with respect to that vehicle; use by an official law enforcement agency; actions of United States military personnel in the performance of their official duties; actions of a parent with respect to determining the location or movement of his or her child; and commercial service vehicles such as mobile telephone service or vehicle safety or security service which incidentally allows the provider of the service to determine the location or movement of a device provided to a customer of the commercial service.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb16.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb16.htm)

**Status:** Failed – passed by the House on 3/12/03, amended and passed by the Senate on 4/309, conference committee did not report the bill out

**HR 22 – Protecting the Right to a Secret Ballot Vote**, sponsored by representatives John Lunsford, (R) 110<sup>th</sup>, Edward Lindsey, (R) 54<sup>th</sup>, Kevin Levitas, (D) 82<sup>nd</sup>, Jerry Keen, (R) 179<sup>th</sup>, and Jan Jones (R) 46<sup>th</sup>, would propose an amendment to the Constitution to protect the right to a secret ballot vote for public office elections for public office, referenda, and or designations or authorizations of employee representation.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr22.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr22.htm)

**Status:** Failed - lost on the floor of the House on March 12 by a vote of 102 yeses and 67 nays.

**HR 23 – Voicing Disapproval to the Employee Free Choice Act**, sponsored by representatives John Lunsford, (R) 110<sup>th</sup>, Edward Lindsey, (R) 54<sup>th</sup>, Kevin Levitas, (D) 82<sup>nd</sup>, Jerry Keen, (R) 179<sup>th</sup>, and Jan Jones (R) 46<sup>th</sup>, is a resolution expressing disapproval of the enactment of legislation regarding labor union



# CAPITAL RETAIL REPORT

elections and urging the Georgia Congressional Delegation to reject such measures.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr23.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr23.htm)

**Status:** Failed – passed by committee, no action taken by House Rules Committee. However, HR 334 did pass

**HB 37 - Parent Protection Act**, sponsored by Representative Roger Bruce, (D) 64<sup>th</sup>, would mandate leave for employees to attend school conferences and medical appointments, above and beyond vacation days, sick days, personal leave days, FMLA, etc. The bill would apply to employers with 10 or more employees. It would require that parents be allowed to:

- (1) To attend a medical appointment for the employee or the employee's spouse or child;
- (2) To accompany an elderly relative to a medical appointment; or
- (3) To attend a school conference for a child of the employee when the appointment or school conference cannot reasonably be scheduled during the employee's non-work hours.

[http://www.legis.ga.gov/legis/2009\\_10/sum/hb37.htm](http://www.legis.ga.gov/legis/2009_10/sum/hb37.htm)

**Status:** Failed – held in House Industrial Relations Committee

**HB 38- Prohibiting Forced Microchip Implantation**, sponsored by Republican Representative Ed Setzler, 35<sup>th</sup>, would prohibit requiring a person to be implanted with a microchip for any reason.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb38.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb38.htm)

**Status:** Failed - held in House Judiciary Committee

**HR 71 – Urging Opposition to the Employee Free Choice Act**, sponsored by Representative Larry O'Neal, (R) 146<sup>th</sup>, would urge the Congress of the United States to oppose any efforts to adopt the so-called "Employee Free Choice Act".

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr71.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr71.htm)

**Status:** Failed – held in House Industrial Relations Committee. However, HR 334 did pass

**HB 80 – Redefining Group for Insurance Purposes**, sponsored by Howard Maxwell, (R) 17<sup>th</sup>, Jerry Keen, (R) 179<sup>th</sup>, John Meadows, (R) 5<sup>th</sup>, Richard Smith, (R) 131<sup>st</sup>, Bill Hembree, (R) 67<sup>th</sup> and Quincy Murphy (D) 120<sup>th</sup>, would redefine group insurance contracts or contracts to cover as those that cover two rather than employees. This bill was passed by the House on February 5<sup>th</sup> and by the Senate on March 18<sup>th</sup>.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb80.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb80.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 197 – Requiring that a Consumer Get a Copy of Every Credit Inquiry Report**, sponsored by Representative Bob Smith, (R) 113<sup>th</sup>, would require each consumer reporting agency which provides an individual consumer report in response to an inquiry from any person to also automatically provide to that consumer within seven days the identical report.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb197.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb197.htm)

**Status:** Failed – held in House Agriculture & Consumer Affairs Committee

**SB 130 – Electronic Signatures for Lease-Purchase Agreements**, sponsored by senators Jeff Mullis, (R) 53<sup>rd</sup>, and Chip Rogers, (R) 21<sup>st</sup>, would define electronic signatures and provide that persons entering into electronic lease-purchase agreements must receive certain information and have certain rights with regard to the goods that are the subject of such agreements; and would provide for certain requirements for merchants with regard to websites and data transmission.



# CAPITAL RETAIL REPORT

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb130.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb130.htm)

**Status:** Failed- passed in the Senate on March 12, held in Hose Judiciary Committee

**HB 173 – Illegal and Void Contracts, Restraint of Trade**, sponsored by Kevin Levitas, (D) 82<sup>nd</sup>, Mike Coan, (R) 101<sup>st</sup>, Richard Smith, (R) 131<sup>st</sup>, Butch Parrish, (R) 156<sup>th</sup>. And Tim Bearden, (R) 68<sup>th</sup>, would define certain legal means of providing for restraint of trade in work contracts, restrictive covenants, and more.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb173.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb173.htm)

**Status:** Passed by both Houses, awaiting action by the governor

**HB 290 - Minimum Wage**, sponsored by representatives Doug McKillup, (D) 115<sup>th</sup>, Brian Thomas, (D) 100<sup>th</sup>, Stacey Abrams, (D) 84<sup>th</sup>, Stephanie Benfield, (D) 85<sup>th</sup>, ;Virgil Fludd, (D) 66<sup>th</sup>, and Winfred Dukes, (D) 150<sup>th</sup>, would set the minimum wage \$7.25 per would provide for annual adjustments beginning in September of 2009.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb290.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb290.htm)

**Status:** Failed – held in House Industrial Relations Committee

**House Bill 330 - Relating To Workers' Compensation**, sponsored by Mike Coan, (R) 101<sup>st</sup>, Bobby Reese, (R) 98<sup>th</sup>, Mark Hamilton, (R) 23<sup>rd</sup>, Tom Knox, (R) 24<sup>th</sup>, Pedro Marin, (D) 96<sup>th</sup>, would set the address of record for the plaintiff, define notice, set appeal timeline, and provide for a waiver of the employee's medical history confidentiality, was passed by the House on March 4<sup>th</sup> and out of the Senate Insurance and Labor Committee on March 18, 2009.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb330.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb330.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HR 334 - Urging Resolution on the Employee Free Choice Act**, which would urge Georgia's congressional delegation to vote against the Employee Free Choice Act (introduced in both houses of Congress) passed in the Georgia House 92 to 55 on March 18<sup>th</sup>.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr334.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr334.htm)

**Status:** Passed by the House, awaiting transmission to Congress

## 7. LEGAL ISSUES

**HB 10 – Access to Criminal History Records**, sponsored by representatives Kevin Levitas, (D) 82<sup>nd</sup>, Matt Ramsey, (R) 72<sup>nd</sup>, Willie Talton, (R) 145<sup>th</sup>, and Larry O'Neal, (R) 146<sup>th</sup>, would provide access by private individuals, businesses and government agencies to an individual's criminal history without that individual's consent.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb10.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb10.htm)

**Status:** Failed – held in House Judiciary Non-Civil Committee

**HB 43 – Identifying Sellers to Scrap Metal Processors**, sponsored by representatives Billy Mitchell, (D) 88<sup>th</sup> and Darryl Jordan (D) 77<sup>th</sup>, would require sellers of scrap metal to provide photo identification to scrap metal processors.

[http://www.legis.ga.gov/legis/2009\\_10/sum/hb43.htm](http://www.legis.ga.gov/legis/2009_10/sum/hb43.htm)

**Status:** Failed – held in House Judiciary Non-Civil Committee



# CAPITAL RETAIL REPORT

**SB 80 - Food Standards, Labeling, and Adulteration**, sponsored by senators, John Bulloch (R) 11<sup>th</sup>, John Crosby, (R) 13<sup>th</sup>, George Hooks, (R) 14<sup>th</sup>, Ross Tolleson, (R) 20<sup>th</sup>, Ralph Hudgens, (R) 47<sup>th</sup> and Freddie Sims, (D) 12<sup>th</sup>, would provide requirements for the testing of samples or specimens of foods by food sales establishments for the presence of poisonous or deleterious substances.

[http://www.legis.ga.gov/legis/2009\\_10/sum/sb80.htm](http://www.legis.ga.gov/legis/2009_10/sum/sb80.htm)

**Status:** Passed by both houses, awaiting action by the governor

**SB 108 – Frivolous Lawsuits**, sponsored by Bill Cowser, (R) 46<sup>th</sup>, Chip Pearson, (R) 51<sup>st</sup>, Bill Heath, (R) 31<sup>st</sup>, Judson Hill, (R) 32<sup>nd</sup> and John Wiles, (R) 37<sup>th</sup>, would allow the defendant to collect legal fees in frivolous lawsuits.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb108.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb108.htm)

**Status:** Failed – passed by the Senate on 3/10/09, passed by House Judiciary Committee, held in House Rules Committee

**HB 126 - Electronic Contracts and Signatures**, sponsored by representatives Ed Lindsey, (R) 54<sup>th</sup> and Wendell Willard, (R) 49<sup>th</sup>, would legitimize electronic contracts and signatures as legal devices.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb126.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb126.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 173 – Illegal and Void Contracts, Restraint of Trade**, sponsored by Kevin Levitas, (D) 82<sup>nd</sup>, Mike Coan, (R) 101<sup>st</sup>, Richard Smith, (R) 131<sup>st</sup>, Butch Parrish, (R) 156<sup>th</sup>. And Tim Bearden, (R) 68<sup>th</sup>, would define certain legal means of providing for restraint of trade in work contracts, restrictive covenants, and more.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb173.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb173.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 200 – Failure to Wear Seats Belts**, sponsored by representatives Harry Geisinger, (R) 48<sup>th</sup>, Bobby Reese, (R) of the 98<sup>th</sup>, and Calvin Hill (R) 21<sup>st</sup>, would allow the failure to wear seat belts to a mitigating factor in determining negligence.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb200.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb200.htm)

**Status:** Failed – lost on the House floor on a 15 to 148 vote

**HB 302 - Charging A Customer For Any Third Party Service Provided By A Telecommunications Company**, sponsored by representatives Mark Hamilton, (R) 23<sup>rd</sup>, Doug Collins, (R) 27<sup>th</sup>, Barry Loudermilk, (R) 14<sup>th</sup>, Amos Amerson, (R) 9<sup>th</sup>, and Carl Rogers, (R) 26<sup>th</sup>, would require any telecommunications company that charges a customer for a service which is provided to the customer by a nonaffiliated third party must provide to such customer the ability to block the nonaffiliated third-party service and any charges associated with such service.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb302.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb302.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 308 - Defining Liability for Limited Liability Companies**, sponsored by representatives David Ralston, (R) 7<sup>th</sup>, Wendell Willard, (R) 49<sup>th</sup>, Mary Margaret Oliver, (D) 83<sup>rd</sup>, and Elly Dobbs, (D) 53<sup>rd</sup>, would redefine liability for a LLC.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb308.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb308.htm)

**Status:** Passed by both houses, awaiting action by the governor



# CAPITAL RETAIL REPORT

**HB 381- Food Processing Reporting of Violations**, sponsored by representatives Terry England, (R) 108<sup>th</sup>, Jay Roberts, (R) 154<sup>th</sup>, Kevin Levitas, (D) 82<sup>nd</sup>, Tom McCall, (R) 30<sup>th</sup>, and Billy Maddox, (R) 127<sup>th</sup>, would require representatives of a county board of health to report suspected violations of food safety at food processing plants to the Department of Agriculture or United States Department of Agriculture Food Safety and Inspection Service as appropriate.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb381.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb381.htm)

**Status:** Failed – passed by the House on 3/10/09, held by the Senate Agriculture & Consumer Affairs Committee

**HB 451 - Electronic Warehousing Regulations**, sponsored by representatives Mike Jacobs, (D) 80<sup>th</sup>, Edward Lindsey, (R) 54<sup>th</sup>, Wendell Willard, (R) 49<sup>th</sup>, Mike Glanton (D) 76<sup>th</sup>, Tom Weldon (R) 3<sup>rd</sup>, and David Ralston, (R) 7<sup>th</sup>, would define the ownership and storage of bills of lading and other electronic documents associated with commerce.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb451.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb451.htm)

**Status:** Failed – passed by the House on 3/12/09, held by the Senate Rules Committee

**HB 529 – Preventing Local Regulation Of Regulating Farm Products**, sponsored by representatives Tom McCall, (R) 30<sup>th</sup>, Jay Roberts, (R) 154<sup>th</sup>, John Burns, (R) 157<sup>th</sup>, Bob Hanner, (D) 148<sup>th</sup>, and Lee Anderson, (R) 117<sup>th</sup>, would preclude any municipality or other political subdivision from adopting or continuing any ordinance, rule, or regulation, which would regulate the production of agricultural or farm products on any parcel of land five acres in size or greater.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb529.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb529.htm)

**Status:** Passed by both houses, awaiting action by the governor

## **8. ELECTRONICS/TELEPHONE ISSUES**

**HB 19 – Use of Cell Phones While Driving**, sponsored by Representative Mary Margaret Oliver, a Democrat from Decatur (83<sup>rd</sup>), would amend Title 40 of the Official Code of Georgia to make it a misdemeanor, subject to one point, for the use of wireless communication device while driving.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb19.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb19.htm)

**Status:** Failed – held by the House Motor Vehicles Committee

**HB 21 – Prohibiting The Use Of Mobile Phones By Learning Permit Holders**, sponsored by representatives Mary Margaret, (D) 83<sup>rd</sup>, Ron Stephens, (R) 164<sup>th</sup>, Carolyn Hugley, (D) 133<sup>rd</sup>, Stacey Abrams, (D) 84<sup>th</sup>, and Matt Ramsey (R) 72<sup>nd</sup>, would prohibit the use of cellular, hands-free, or mobile telephones by holders of instruction permits and Class D licenses.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb21.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb21.htm)

**Status:** Failed – held by the House Motor Vehicles Committee

**HB 23 – Prohibiting Cell Phone Use by Teens While Driving**, sponsored by Representative Matt Ramsey, Republican 72<sup>nd</sup>, Tom Rice, Republican 51<sup>st</sup>, Edward Lindsey, Republican 54<sup>th</sup>, would amend Title 40 of the Official Code of Georgia to make it a misdemeanor, subject to one point, for the use of wireless communication device while driving.

[http://www.legis.ga.gov/legis/2009\\_10/versions/hb23\\_LC\\_34\\_1947\\_pf\\_2.htm](http://www.legis.ga.gov/legis/2009_10/versions/hb23_LC_34_1947_pf_2.htm)

**Status:** Failed – passed by the House on 3/12/09, held by the Senate Rules Committee



# CAPITAL RETAIL REPORT

**HR 139 - Telephone Subscriber Charges For Funding Trauma Services**; sponsored by representatives Harry Geisinger, (R) 48<sup>th</sup>, Sharon Cooper, (R) 41<sup>st</sup>, Wendell Willard, (R) 49<sup>th</sup>, DuBose Porter, (D) 143<sup>rd</sup>, Mary Margaret Oliver, (D) 83<sup>rd</sup>, and Clay Cox, (R) 102<sup>nd</sup>, would allow the General Assembly to authorize the imposition of charges to telephone subscribers in this state to fund the costs of providing trauma services.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr139.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr139.htm)

**Status:** Failed – held by House Ways & Means Committee

**HB 168 – Reselling Local Exchange Services**, sponsored by representatives Clay Cox, (R) 102<sup>nd</sup>, Chuck Martin, (R) 47<sup>th</sup>, Bobby Reese, (R) 98<sup>th</sup>, Don Parsons (R) 42<sup>nd</sup>, and Jeff May, (R) 111<sup>th</sup>, would allow local exchange companies to resell the services purchased from other local exchange companies.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb168.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb168.htm)

**Status:** Failed – passed by the House on 31/10/09, held by the Senate Regulated Industries and Utilities Committee

**HB 183 – Georgia Trauma Hospital Support Act of 2009**, sponsored by representatives Harry Geisinger, (R) 48<sup>th</sup>, Sharon Cooper, (R) 41<sup>st</sup>, Wendell Willard, (R) 49<sup>th</sup>, Dubose Porter, (D) 143<sup>rd</sup>, Mary Margaret Oliver, (D) 83<sup>rd</sup>, would require that each wireless service supplier to collect a wireless trauma charge from those telephone subscribers whose place of primary use is within Georgia.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb183.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb183.htm)

**Status:** Failed – held by House Ways & Means Committee

**HB 267, Fair Practice Act – Telephones**, sponsored by representatives Wendell Willard, (R) 49<sup>th</sup> and Joe Wilkinson, (R) 52<sup>nd</sup>, would allow the disclosure of persons who lodge complaints of telephone abuse and would prohibit the provider from provided new number information to those whose telephone service is disconnected due to such behavior.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb267.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb267.htm)

**Status:** Failed – passed by the House Energy, Utilities and Telecommunications Committee, held by the Rules Committee

**HB 415 – Tax Credit for Wireless Construction**, sponsored by representatives Allen Peake, (R) 137<sup>th</sup> and Joe Wilkinson, (R) 52<sup>nd</sup>, would for income tax credits for expenses involved with the construction, operation, and maintenance of broadband or wireless telephone towers constructed in Georgia.

[http://www.legis.state.ga.us/legis/2009\\_10/fulltext/hb415.htm](http://www.legis.state.ga.us/legis/2009_10/fulltext/hb415.htm)

**Status:** Failed – held by House Ways & means Committee

**HB 451 - Electronic Warehousing Regulations**, sponsored by representatives Mike Jacobs, (D) 80<sup>th</sup>, Edward Lindsey, (R) 54<sup>th</sup>, Willie Glanton, (D) 76<sup>th</sup>, Wendell Willard, (R) 49<sup>th</sup> and Mike Glanton (D) 76<sup>th</sup>, Tom Weldon (R) 3<sup>rd</sup>, and David Ralston, (R) 7<sup>th</sup>, would define the ownership and storage of bills of lading and other electronic documents associated with commerce.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb451.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb451.htm)

**Status:** Failed – passed by the House on 3/12/09, and by Senate Special Judiciary, held by Senate Rules Committee

## 9. TRANSPORTATION



# CAPITAL RETAIL REPORT

**HB 22 – Seatbelts in Pickup Trucks**, sponsored by representatives Mary Margaret Oliver (D) 83<sup>rd</sup>, Judy Manning (R) 32<sup>nd</sup>, Carolyn Hugley, (D) 133<sup>rd</sup>, Ron Stephens (R) 164<sup>th</sup>, and Stacey Abrams (D) 84<sup>th</sup>, would require the use of safety belts in pickup trucks and all passenger vehicles designed to carry ten or less people. It would also require the use of safety belts by occupants in the rear seats of passenger vehicles.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb22.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb22.htm)

**Status:** Failed – held by House Agriculture & Consumer Affairs Committee

**SB 23 - Safety Belt Contributory Negligence**, sponsored by senators Lee Hawkins, (R) 49<sup>th</sup>, Chip Pearson, (R) 51<sup>st</sup>, Jack Murphy, (R) 27<sup>th</sup>, Jim Butterworth, (R) 50<sup>th</sup>, Don Thomas, (R) 54<sup>th</sup> and Greg Goggans, (R) 7<sup>th</sup>, would establish that failure to wear and automobile seat belt may allow for the establishment of contributory negligence.

[http://www.legis.ga.gov/legis/2009\\_10/sum/sb23.htm](http://www.legis.ga.gov/legis/2009_10/sum/sb23.htm)

**Status:** Failed - passed by the Senate on February 25, failed in the House

**HB 57 – Establishing Rules for Common Carriers**, sponsored by representatives Alan Powell, (D) 29<sup>th</sup> and Tom Rice, (R) 51<sup>st</sup>, would set rules for common freight carriers operating in Georgia.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb57.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb57.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 65 – Setting Maximum Weight for Commercial Trailers**, sponsored by Representative Chuck Sims, (R) 169<sup>th</sup>, would provide a maximum weight per axle for trailers on a commercial highway. Under the bill the maximum load authorized on any tandem axle shall be 34,000 pounds, and any two consecutive sets of tandem axles may carry a gross load of 34,000 pounds each if the overall distance between the first and last axles of such consecutive sets of tandem axles is 36 feet or more. For vehicles and combinations of vehicles exceeding 55 feet in length, the maximum gross weight authorized on a tandem axle for a vehicle or combination of vehicles carrying a gross weight of less than 73,280 pounds would be 40,680 pounds.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb65.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb65.htm)

**Status:** Failed – held by House Transportation Committee

**SB 164 – Sign Height and Vegetation Removal on Signs Along the State Highway System**, sponsored by senators Don Balfour, (R) 9<sup>th</sup>, Ed Tarver (D) 22<sup>nd</sup>, Jeff Mullis, (R) 53<sup>rd</sup>, Doug Stoner, (R) 6<sup>th</sup>, Tommie Williams, (R) 19<sup>th</sup> and Chip Roger, (R) 21<sup>st</sup>, would set limits on sign heights to 55 feet and address the removal of vegetation in the site plane of the sign.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb164.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb164.htm)

**Status:** Failed – passed by the Senate on 2/26/09, postponed by the House on 4/1/09

**HB 256, Culpability in Failure to Wear a Safety Belt**, sponsored by Representative Kevin Levitas, (D) 82<sup>nd</sup>, would make the failure to wear an automotive safety belt admissible in legal proceedings consideration of contributory negligence.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb256.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb256.htm)

**Status:** Failed – held by House Judiciary Committee

## 10. FIREARMS



# CAPITAL RETAIL REPORT

**SB 9 – Removing the Requirement that Concealed Weapons Must Be Kept in a Holster**, sponsored by Senator John Douglas, Republican 17<sup>th</sup>, would allow individuals to conceal a weapon in a person's clothing, handbag, purse, attaché case, briefcase, or other closed container, as well as a holster.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb9.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb9.htm)

**Status:** Failed – held by Senate Judiciary Committee

**SB 12 - Handgun Ammunition Coding System**, sponsored by Senator Ronald Ramsey, Democrat 43<sup>rd</sup>, would require that all handgun ammunition manufactured or sold in Georgia must contain a unique identifier etched onto the base of the bullet; and that bullets used for reloading or hand loading handgun ammunition contain unique identifier that has been applied by etching onto the base of the bullet.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb12.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb12.htm)

**Status:** Failed – held by Senate Judiciary Committee

**HB 259 – Requiring Firearm Training for Carry Permits**, sponsored by Pedro Marin, (D) 96<sup>th</sup> and Joe Wilkinson, (R) 52<sup>nd</sup>, would require that applicants for new or renewed firearm carry permits take an approved course in firearm use and safety.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb259.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb259.htm)

**Status:** Failed – held in House Judiciary Non-Civil Committee

**HB 260 – Photos on Carry Permits**, sponsored by representatives Pedro Marin, (D) 96<sup>th</sup> and Joe Wilkinson, (R) 52<sup>nd</sup>, would require that all firearm carry permits carry a photo of the licensee.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb260.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb260.htm)

**Status:** Failed – held in House Judiciary Non-Civil Committee

**HB 420 – Requiring Sport Shooting Ranges to be Wheelchair Accessible**, sponsored by representatives Burke Day, (R) 163<sup>rd</sup>, Ron Stephens, (R) 164<sup>th</sup>, Bob Bryant, (D) 160<sup>th</sup>, Buddy Carter, (R) 159<sup>th</sup>, Mickey Stephens, (D) 161<sup>st</sup>, and Craig Gordan, (D) 162<sup>nd</sup>, would require all licensed sport shooting ranges to make such facility accessible to persons in wheelchairs after July 1, 2009.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb420.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb420.htm)

**Status:** Failed – passed by House Human Resources Committee, held in House Rules Committee

**HB 767, Exempting Firearms and Ammunition from Sales Tax**, sponsored by Austin Scott, (R) 153<sup>rd</sup>, Earl Ehrhart, (R) 36<sup>th</sup>, Sean Jerguson, (R) 22<sup>nd</sup> and Tim Bearden, (R) 68<sup>th</sup>, would exempt the sale or use of firearms and/or ammunition from sales and use taxes. This bill was referred to the House Ways and means Committee and will be eligible for consideration in January 2010.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb767.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb767.htm)

**Status:** Failed – held in House Ways & Means Committee

## 11. ALCOHOL and TOBACCO

**SB 16 – Sunday Package Sales of Alcohol**, sponsored by Republican senators Set Harp, 29<sup>th</sup>, Doug Stoner, Republican 6<sup>th</sup>, Don Balfour, 9<sup>th</sup> and Jeff Mullis, 53<sup>rd</sup>, would authorize the sale of alcoholic beverages on Sunday at the discretion of each county or municipality (by referendum) in which package sales of certain alcoholic beverages are already lawful, for any period of time on Sundays from 12:00 Noon until 12:00 Midnight.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/sb16.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/sb16.htm)

**Status:** Failed – held in Senate Regulated Industries & Utilities Committee



# CAPITAL RETAIL REPORT

**SB 68 – Prohibiting Alcoholic Beverages Sales Near Housing Property**, sponsored by senators Jack Murphy, (R) 27<sup>th</sup>, Seth Harp, (R) 29<sup>th</sup>, Tim Golden, (D) 8<sup>th</sup>, Johnny Grant, (R) 25<sup>th</sup>, Cecil Staton, (R) 18<sup>th</sup>, and Don Balfour, (R) 9<sup>th</sup> would prohibit the sale of any alcoholic beverages for consumption on the premises within 100 yards of any housing authority property.

**Status:** Failed - Passed by the Senate on March 26, held in House Rules Committee

**HB 115 – Limiting Distilled Spirit Licenses**, sponsored by representatives Sean Jerguson, (R) 22<sup>nd</sup>, Matt Ramsey, (R) 72<sup>nd</sup>, Roger Williams, (R) 4<sup>th</sup>, Alan Powell, (R) 29<sup>th</sup>, Billy Maddox, (R) 127<sup>th</sup>, would not allow any person or family be issued more than two retail distilled spirits dealer licenses.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb115.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb115.htm)

**Status:** Failed - Passed by the House on March 10, tabled in the Senate

**HB 102 – Authorizing Samplings of Alcoholic Beverages**, sponsored by representatives Sean Jerguson, (R) 22<sup>nd</sup>, Tom Dickson (R) 6<sup>th</sup>, Roger Williams (R) 4<sup>th</sup>, Alan Powell (D) 29<sup>th</sup>, and Billy Maddox (R) 127<sup>th</sup>, would authorize samplings of alcoholic beverages by licensed retailers.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb102.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb102.htm)

**Status:** Failed – passed by the House on 3/10/09, tabled by the Senate on 3/30/09

**HB 104 – Allowing the Sunday Sale of Alcohol in Sports and Entertainment Facilities**, sponsored by Representatives Clay Cox, (R) 102<sup>nd</sup>, Mike Coan, (R) 101<sup>st</sup>, Brian Thomas, (D) 100<sup>th</sup>, Billy Mitchell, (D) 88<sup>th</sup> and Pedro Marin, (D) 96<sup>th</sup>, would permit the sale of alcoholic beverages in arenas, coliseums and auditoriums on Sundays in any county which authorizes the Sunday sale alcohol is permitted.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb104.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb104.htm)

**Status:** Failed – held in House Regulated Industries Committee

**HB 138 - Sunday Sales of Alcoholic Beverages**, sponsored by representatives Roger Williams, (R) 4<sup>th</sup>, Sean Jerguson, (R) 22<sup>nd</sup>, Wendell Willard, (R) 48<sup>th</sup>, Fran Milar, (R) 79<sup>th</sup> and Margaret Kaiser, (D) 79<sup>th</sup> would authorize and municipality or county in which the sale of alcoholic beverages on Sunday is authorized to allow the sale of alcoholic beverages in public stadiums, coliseums, and auditoriums owned or controlled by it or by a public authority and having seating capacity in excess of 2,500 people on Sunday and would allow local elected officials to permit the sale of wine and beer by retailers on Sunday.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb138.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb138.htm)

**Status:** Failed – held in House Regulated Industries Committee

**HB 352 – Sunday Package Alcoholic Sales of Malt Beverages and Wine**, sponsored by Roger Williams, (R) 4<sup>th</sup>, Tom Dickson, (R) 6<sup>th</sup>, Sean Jerguson, (R) 22<sup>nd</sup>, Margaret Kaiser, (D) 59<sup>th</sup>, and Brian Thomas, (D) 100<sup>th</sup>, would allow the package sales by a retailer of malt beverages and wine on Sundays from 12:30 P.M. until 7:00 P.M. when approved by referendum in each county or municipality in which package sales of malt beverages, wine, and distilled spirits by retailers is allowed.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb352.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb352.htm)

**Status:** Failed – held in House Regulated Industries Committee

**HB 353 – Defining Flavored Malt Beverages**, sponsored by representatives Roger Williams, (R) 4<sup>th</sup>, Tom Dickson, (R) 6<sup>th</sup>, and Sean Jerguson, (R) 22<sup>nd</sup>, would define the term "flavored malt beverage."

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb353.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb353.htm)

**Status:** Failed – held in House Regulated Industries Committee



# CAPITAL RETAIL REPORT

**HB – 355, Reclassifies “Little Cigars”**, representatives Roger Williams, (R) 4<sup>th</sup>, Tom Dickson, (R) 6<sup>th</sup>, and Sean Jerguson, (R) 22<sup>nd</sup>, would reclassify and define little cigars.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb355.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb355.htm)

**Status:** Failed – Passed by the House on 3/12/09, held by Senate Finance Committee

## **12. LICENSE, FEE and REGULATORY BOARD ISSUES**

**HB 107 – Creating a State Board of Locksmiths**, sponsored by representatives Harry Geisinger (R) 48<sup>th</sup>, Jill Chambers (R) 81<sup>st</sup>, and Chuck Sims (R) 119<sup>th</sup>, would create a State Board of Locksmiths.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb107.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb107.htm)

**Status:** Failed – held by House Regulated Industries Committee

**HB 263 – In Home Repairs**, sponsored by Representative Peake, (R) 137<sup>th</sup>, would require that any person offering in-home services must conduct a criminal background investigation of each employee to ensure that he or she has not been convicted of a felony or a crime involving moral turpitude in this state or any other jurisdiction.

[http://www.legis.state.ga.us/legis/2009\\_10/fulltext/hb263.htm](http://www.legis.state.ga.us/legis/2009_10/fulltext/hb263.htm)

**Status:** Failed – held by House Agriculture & Consumer Affairs Committee

**HB 427 – Redefining an Enterprise Zone**, sponsored by representatives Ron Stephens, (R) 164<sup>th</sup>, Wendell Willard, (R) 49<sup>th</sup>, Al Williams, (R) 165<sup>th</sup>, Cecily Hill, (R) 180<sup>th</sup>, and Craig Gordan, (D) 162<sup>nd</sup>, would define a poverty zone for the identification of an enterprise zone as parcels within or adjacent to a census block group where the ratio of income to poverty level for at least 15 percent of the residents shall be less than 1.0.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb427.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb427.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 529 – Preventing Local Regulation Of Regulating Farm Products**, sponsored by representatives Tom McCall, (R) 30<sup>th</sup>, Jay Roberts, (R) 154<sup>th</sup>, John Burns, (R) 157<sup>th</sup>, Bob Hanner, (D) 148<sup>th</sup>, and Lee Anderson, (R) 117<sup>th</sup>, would preclude any municipality or other political subdivision from adopting or continuing any ordinance, rule, or regulation, which would regulate the production of agricultural or farm products on any parcel of land five acres in size or greater.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb529.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb529.htm)

**Status:** Passed by both houses, awaiting action by the governor

**HB 535 – Prohibiting the Sale of Novelty Cigarette Lighters**, sponsored by Burke Day, (R) 163<sup>rd</sup>, would prohibit the manufacturing, sale, or give away of novelty lighters in Georgia.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb535.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb535.htm)

**Status:** Failed – held by House Agriculture & Consumer Affairs Committee

**HR 624 - Fees Study Committee**, sponsored by Representative Larry O’Neal, (R) 146<sup>th</sup>, would create a study committee to review the fees collected by the sheriffs, probate judges, superior court clerks, tax commissioners, and magistrate judges; with the intent to ensure that the person receiving the service pays for most or all of the service, rather than shifting the cost to the property taxpayers, the fees should more closely reflect the cost of providing the service; and would ensure that a review, evaluation, and



# CAPITAL RETAIL REPORT

updating of those fees occurs to ensure that the cost of providing the service is reflected accurately by the fee charged. The committee's report will be due on December 1, 2009.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hr624.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hr624.htm)

Status: Failed – held by House Rules Committee

## **13. ENERGY and the ENVIRONMENT**

**SB 31 - Georgia Nuclear Energy Financing Act**, sponsored by senators Don Balfour, (R) 9<sup>th</sup>, Ed Tarver (D) 22<sup>nd</sup>, Chip Rogers (R) 21<sup>st</sup>, JD Powell (R) 23<sup>rd</sup>, Ross Tolleson (R) 20<sup>th</sup> and Mitch Seabaugh, (R) 28<sup>th</sup> would allow a utility to recover from its customers the costs of financing associated with the construction of a nuclear generating plant in advance of the final construction.

[http://www.legis.ga.gov/legis/2009\\_10/sum/sb31.htm](http://www.legis.ga.gov/legis/2009_10/sum/sb31.htm)

Status: Passed by both houses, awaiting action by the governor

**HB 239 – Water Conservation Act of 2009 ( Creating Limits on Water Use)**, sponsored by representatives Lynn Smith, (R) 131<sup>st</sup>, Bob Hanner, (R) 148<sup>th</sup>, and Bob Lane, (R) 167<sup>th</sup> would require that each county, municipality, or local government which holds a permit to draw on surface water shall report to the state if that use results in less than a 75% return of treated water to the surface systems.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb239.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb239.htm)

Status: Failed – held by House Natural Resources & Environment Committee

## **14. PRODUCT SAFETY**

**SB 80 - Food Standards, Labeling, and Adulteration**, sponsored by Senators, John Bulloch (R) 11<sup>th</sup>, John Crosby, (R) 13<sup>th</sup>, George Hooks, (R) 14<sup>th</sup>, Ross Tolleson, (R) 20<sup>th</sup>, Ralph Hudgens, (R) 47<sup>th</sup> and Freddie Sims, (D) 12<sup>th</sup>, would requirements for the testing of samples or specimens of foods by food sales establishments for the presence of poisonous or deleterious substances.

[http://www.legis.ga.gov/legis/2009\\_10/sum/sb80.htm](http://www.legis.ga.gov/legis/2009_10/sum/sb80.htm)

Status: Passed by both houses, awaiting action by the governor

**HB 219 - 10 Percent Ethylene Glycol Antifreeze**, sponsored by representatives Tommy Benton, (R) 31<sup>st</sup>, Terry England, (R) 108<sup>th</sup>, and Debbie Buckner, (D) 130<sup>th</sup>, would that antifreeze sold in Georgia that is manufactured after July 1, 2011, containing more than 10 percent ethylene glycol shall include denatonium benzoate at a minimum of 30 parts per million and a maximum of 50 parts per million as an aversive agent to render the antifreeze unpalatable.

[http://www.legis.ga.gov/legis/2009\\_10/fulltext/hb219.htm](http://www.legis.ga.gov/legis/2009_10/fulltext/hb219.htm)

Status: Failed – held by House Rules Committee

## **Quote to Ponder**

"Some regard private enterprise as if it were a predatory tiger to be shot. Others look upon it as a cow that they can milk. Only a handful see it for what it really is - the strong horse that pulls the whole cart."

**Winston Churchill**

Thank you,

John C. Heavener, MSM, CAE



# CAPITAL RETAIL REPORT

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**About GRA:** The Georgia Retail Association, with membership that comprises all retail formats and channels of distribution including department, specialty, discount, catalog, Internet, independent stores, and grocery stores has been serving the state's business community since 1961. The Georgia Retail Association represents an industry with more than 71,300 retail establishments, and more than 715,000 employees - about one in five of Georgia's workers – with annual sales of more than \$115 billion.