



CAPITAL RETAIL REPORT



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February 25, 2008

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SUNDAY SALES ONLINE PETITION SOARS

SPEAKER'S PROPERTY TAX BILLS AND ROGERS' PROPERTY TAX BILL CLEAR WAYS AND MEANS COMMITTEE

FDA CONSIDERS PHARMACIST-DISPENSED THIRD CLASS OF DRUGS

"Many seem to figure that they can live off what we have worked hard for." Louis L' Amour

Sunday Sales Online Petition

An independent petition created to stir-up interest for the Sunday Sales legislation (**SB 137**) has really taken off with over 34,000 signatures in just a matter of weeks. To voice your support for allowing voters to decide locally on Sunday sales of alcohol, please visit:

<http://www.petitiononline.com/GASB138/petition.html>

Speaker's Property Tax Bills

HB 979, Implementation Language for the Speaker's Bill, sponsored by Speaker Glen Richardson, (R) 19th District, Mark Burkhalter, (R) 50th District and Jerry Keen, (R) 179th District, would provide for the implementation of (HR 1246). It would provide a tax credit for sales taxes paid.

http://www.legis.ga.gov/legis/2007_08/sum/hb979.htm

Status: Passed ways and Means Committee and in Rules Committee

HR 1246, Freezing School Property Taxes, sponsored by Speaker Glen Richardson, (R) 19th District, Larry O'Neal, (R) 146th District and Earl Ehrhart, (R) 36th District, would eliminate the school property tax portion of ad Valorem taxes, replacing the lost income with a sales tax on lottery tickets, groceries, and many services. Business to business services would be exempt. The bill would also remove the ad Valorem taxes on automobiles, which would be replaced with an annual \$20 fee. The income from that fee would be earmarked for trauma care.

http://www.legis.ga.gov/legis/2007_08/sum/hr1246.htm

Status: Passed ways and Means Committee and in Rules Committee

Property Tax Legislation

SR 686, Freezing Residential Property Taxes, sponsored by senators Eric Johnson, (R) 1st District, Chip Rogers, (R) 21st District, Tommie Williams (R) 19th District, David Adelman, (D) 42nd District, Mitch Seabaugh, (R) 28th District and Regina Thomas (D) 2nd District, would freeze residential property assessments until the property is sold, unless changes requiring a building permit are made to the property. SR 686 passed the Senate this week by a vote of 53-3

http://www.legis.ga.gov/legis/2007_08/sum/sr686.htm

Status: Passed by the Senate on 2/12/08

SR 796, Freezing Assessments and Limiting Increases in Personal and Business Real Estate Taxes, sponsored by Chip Rogers, (R) 21st District, would freeze assessment at a 2008 base year amount and would limit increases in sold personal property to a 2% increase per year and non-residential real estate taxes to a 3% increase per year. This bill passed the Senate this week by a 48 to 7 vote.

http://www.legis.ga.gov/legis/2007_08/fulltext/sr796.htm

Status: Passed by the Senate on 2/12/08

NOTE: This is the bill which provides some relief for non-residential taxes and should receive the support of the retail community.

SR 859, Eliminating State Portion of Property Taxes, sponsored by senators Chip Rogers, (R) 21st District, Joseph Carter, (R) 13th District, Ronnie Chance, (R) 16th District, Bill Heath, (R) 31st District, Tommie Williams, (R) 19th District and Eric Johnson, 1st District, would eliminate the state portion of ad Valorem property taxes. This bill is Governor Sonny Perdue's proposed constitutional amendment to eliminate the state's portion of the property tax passed the Senate 49-4. It would cut a relatively small portion of property taxes, about \$94 million in taxes, saving an average homeowner an estimated \$30 per year. The amount businesses would save is unknown at this time.

http://www.legis.ga.gov/legis/2007_08/fulltext/sr859.htm

Status: Passed by the Senate on 2/14/08

HR 900, The Great Tax Plan For Georgia, sponsored by representatives Glenn Richardson, (R) 19th District, Jerry Keen, (R) 179th District, Mark Burkhalter, (R) 50th District, Larry O'Neal, (R) 146th District, Barry Fleming, (R) 117th District and Jay Roberts, (R) 154th District, provides a credit to each taxpayer with a homestead exemption for their homestead's education tax liability, provides each school district with a payment from the state equal to the lost revenue from homesteads, abolishes Ad valorem taxes on personal automobiles, and provides that every local government will receive payment from the state for the dollars lost from the ad Valorem automobile tax.

http://www.legis.ga.gov/legis/2007_08/sum/hr900.htm

Status: Bill Abandoned in favor of HR 1246

HR 1012, County ad valorem tax; state-wide base value homestead exemption, sponsored by Representative Kevin Levitas, (D) 82nd District, proposes a constitutional amendment that would freeze property tax assessments at their current level, but only for the county portion of the tax bill. (The school portion is often as much, if not more. Municipal levies also would not be affected.)

http://www.legis.ga.gov/legis/2007_08/fulltext/hr1012.htm

Status: Awaiting committee assignment

HR 1013, Ad valorem property tax; certain homestead exemptions; General Assembly, sponsored by Representative Kevin Levitas, (D) 82nd District, is an even broader bill that would allow the Legislature to freeze assessments for "any or all" ad valorem taxes.

http://www.legis.ga.gov/legis/2007_08/fulltext/hr1013.htm

Status: In Committee

HR 1038, Ad Valorem Inventory Tax Relief for Furniture, sponsored by Representative Ron Stephens, (R) 164th District, proposes an amendment to the Constitution so as to authorize the governing authority of any county or municipality, subject to referendum approval, to exempt from ad valorem taxation, in whole or in part, inventories of retail furniture businesses.

http://www.legis.ga.gov/legis/2007_08/fulltext/hr1038.htm

Status: In committee

HR 1037, Ad Valorem Inventory Tax Relief, sponsored by Representative Ron Stephens, (R) 164th District, proposes an amendment to the Constitution so as to authorize the governing authority of any county or municipality, subject to referendum approval, to exempt from ad valorem taxation, in whole or in part, inventories of retail businesses.

http://www.legis.ga.gov/legis/2007_08/fulltext/hr1037.htm

Status: In Ways and Means Committee



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Corporate Tax Legislation

HB 926, Defining the Internal Revenue Code, sponsored by Representative Larry O'Neal, (R) 146th District, would incorporate certain provisions of the federal law into Georgia law.

http://www.legis.ga.gov/legis/2007_08/sum/hb926.htm

Status: Passed by the House on 2/5/08 and by the Senate on 2/21/08

HB 1150, Defining Distributions for "S" Corporations, sponsored representatives Dave Knight, (R) 126th District, Thunder Tumlin, (R) 38th District and Howard Mosby, (D) 90th District, would define 'Distribution credited' as a recognition or assignment of interest in proceeds or property of a partnership, Subchapter 'S' corporation, or limited liability company, including a net distributive share of income which is passed through to members and which may be subject to Georgia income tax.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1150.htm

Status: In Ways and Means Income Tax Subcommittee

HB 1153, Consent Agreement for Nonresident Shareholders, sponsored representatives Dave Knight, (R) 126th District, Thunder Tumlin, (R) 38th District and Howard Mosby, (D) 90th District, would require nonresident shareholders of a Georgia Subchapter 'S' corporation to execute a consent agreement to pay Georgia income taxes on their portion of the corporate income, effective January 1, 2008.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1153.htm

Status: In Ways and Means Income Tax Subcommittee

HB 1154, Requiring Businesses to File Electronically, sponsored representatives Dave Knight, (R) 126th District, Thunder Tumlin, (R) 38th District and Howard Mosby, (D) 90th District, would allow the Commissioner of Revenue to require any nonindividual taxpayer to electronically file any return, report, or other document

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1154.htm

Status: In Ways and Means Income Tax Subcommittee

HB 1155, Withholding Taxes on Non-resident Partners, sponsored representatives Dave Knight, (R) 126th District, Thunder Tumlin, (R) 38th District and Howard Mosby, (D) 90th District, would revise and change certain provisions regarding withholding tax on distributions to nonresident members of partnerships, Subchapter "S" corporations, and limited liability companies; to provide for the collection of withholding taxes from any distributions paid or any distributions credited to members who are not residents of Georgia.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1155.htm

Status: In Ways and Means Income Tax Subcommittee

Individual Tax Legislation

HB 896, Income tax credit: qualified ad valorem tax expenses, sponsored by Representative Kevin Levitas, (D) 82nd District, would provide for an income tax credit with respect to qualified ad valorem tax expenses.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb896.htm

Status: Awaiting Committee Assignment

HB 897, Tax Credit for Energy Efficient Appliances, sponsored by representatives Karla Drenner, (D) 86th District, Tom McCall, (R) 30th District, John Lunsford, (R) 110th District, Stephanie Stuckey Benfield, (D)

85th District and Michele Henson, (D) 97th District, would provide an individual tax credit for the purchase price of certain energy efficient appliances.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb897.htm

Status: In Committee

HB 947, Income Tax Credit for Replacing Plumbing Fixtures, sponsored by representatives Karla Drenner, (D) 86th District, Tom McCall, (R) 30th District, John Lunsford, (R) 110th District, Stephanie Stuckey Benfield, (D) 85th District and Michele Henson, (D) 97th District, would make it a misdemeanor to install non-complying fixtures and would require each manufacturer selling products in Georgia to offer high-efficiency water closets and urinals in the following amount:

Fifty percent in 2010

Sixty-seven percent in 2011

Seventy-five percent on 2012

Eighty-five percent in 2013

One hundred percent in 2014

http://www.legis.ga.gov/legis/2007_08/fulltext/hb947.htm

Status: In Committee

HB 976, Premium Tax Exemption for High Deductible Health Plan Premiums, sponsored by Representative Tom Knox, (R) 24th District, would allow a premium tax exemption for certain high deductible health plans sold or maintained in connection with a health savings account.

http://www.legis.ga.gov/legis/2007_08/sum/hb976.htm

Status: In Committee

HB 977, Tax Exemption for High Deductible Health Plan Premiums, sponsored by Representative Tom Knox, (R) 24th District, would allow an income tax exemption for certain high deductible health plans sold or maintained in connection with a health savings account.

http://www.legis.ga.gov/legis/2007_08/sum/hb977.htm

Status: In Committee

HB 897, Tax Credit for Energy Efficient Appliances, sponsored by Karla Drenner, (D) 86th District, Tom McCall, (R) 30th District, John Lunsford, (R) 110th District, Stephanie Stuckey Benfield, (D) 85th District and Michele Henson, (D) 97th District, would provide an individual tax credit for the purchase price of certain energy efficient appliances.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb897.htm

Status: In Committee

HB 1029, Economic Stimulus Tax Break, sponsored by representatives Chuck Martin, (R) 47th District, Mark Burkhalter, (R) 50th District, Jerry Keen, (R) 179th District, Ben Harbin, (R) 118th District and DuBose Porter, (D) 143rd District, would provide a one-time relief for Georgians from any tax liability related to the checks received as part of the Federal Economic Stimulus measure.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1029.htm

Status: In Committee

HB 1140, Income Tax Credit For Qualified Water Efficient Products, sponsored by Jeff May, (R) 11th District, Lynn Smith, (R) 70th District, David Knight (R) 126th District, Judy Manning, (R) 32nd District and Sean Jerguson (R) 22nd District, would provide a \$250 tax credit for water efficient products which have been designated by the United States Environmental Protection Agency as meeting or exceeding such agency's water saving efficiency requirements or which has been designated as meeting or exceeding such requirements under such agency's Water Sense program.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1140.htm

Status: In Committee

HR 1141, Income Tax Credit For Qualified Water Efficient Products, sponsored by Jeff May, (R) 11th District, Lynn Smith, (R) 70th District, David Knight, (R) 126th District, Judy Manning, (R) 32nd District and Sean Jerguson (R) 22nd District, would provide a tax credit of up to \$500 for water efficient products which have been designated by the United States Environmental Protection Agency as meeting or exceeding such agency's water saving efficiency requirements or which has been designated as meeting or exceeding such requirements under such agency's Water Sense program.



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http://www.legis.ga.gov/legis/2007_08/fulltext/hb1141.htm

Status: In Committee

HB 1157, Increasing the Retirement Earned Income Allowance, sponsored by Representative Austin Scott, (R) 153rd District, would increase the limitation on the amount of the earned income allowance for retirement income earned from interest income, dividend income, net income from rental property, capital gains income, income from royalties, income from pensions and annuities, from \$4,000 to \$16,000 of an individual's earned income.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1157.htm

Status: In Ways and Means Income Tax Subcommittee

Sales Tax Legislation

SR 845, One Percent Local Option Sales Tax, sponsored by Jeff Mullis, (R) 53rd District, Doug Stoner, (R) 6th District, Kasim Reed (D) 35th District, Tommie Williams, (R) 19th District, John Wiles, (R) 37th District and Judson Hill (R) 32nd District, would allow an one percent local option sales tax to be used for transportation.

http://www.legis.ga.gov/legis/2007_08/fulltext/sr845.htm

Status: Passed by the Senate

HB 895, Expansion of the Energy Star Sales Tax Holiday, sponsored by Representative Kevin Levitas, (D) 82nd District, would provide for an expansion of the Energy Star sales tax holiday to include the purchase of energy efficient products or water efficient products with a sales price of \$1,500.00 or less per product purchased for noncommercial home or personal use. The sales tax period would be the same as Lynn Simith's bill - 12:01 A.M. on October 2, 2008, and concluding at 12:00 Midnight October 5, 2008.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb895.htm

Status: In committee

HB 948, Sales Tax Holidays, sponsored by representatives Lynn Smith, (R) 70th District, Jan Jones, (R) 46th District, Penny Houston, (R) 170th District, Thunder Tumlin (R) 38th District, Gloria Ramsey, (D) 72nd District and Brooks Coleman (R) 97th District, was passed by the Sales Tax Subcommittee this week. It will be scheduled for a vote by the Ways and Means Committee this week.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb948.htm

Status: Passed By Sales Tax Subcommittee

HB 1139, Sales Tax For Road Construction, sponsored by representatives Vance Smith, (R) 129th District, Donna Sheldon, (R) 105th District, Jay Shaw, (D) 176th District, Ben Harbin, (R) 118th District, Carl Rogers, (R) 26th District and Johnny Floyd, (R) 147th District, would add an one percent increase in the state-wide sales and use taxes to be used for transportation.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1139.htm

Status: In Committee

HR 1226, Sales Tax For Road Construction, sponsored by representatives Vance Smith, (R) 129th District, Donna Sheldon, (R) 105th District, Jay Shaw, (D) 176th District, Ben Harbin, (R) 118th District, Carl Rogers, (R) 26th District and Johnny Floyd, (R) 147th District, is the amendment which would allow for **HB 1139** which would add an one percent increase in the state-wide sales and use taxes to be used for transportation.

http://www.legis.ga.gov/legis/2007_08/fulltext/hr1226.htm

Status: In Committee

Tobacco Legislation

SB 418, Georgia Fire Safety Standard and Firefighter Protection Act, sponsored by senators Don Balfour, (R) 9th District, Lee Hawkins, (R) 49th District and Bill Cowsert, (R) 46th District, would prohibit the sale of cigarettes unless the manufacturer of those cigarettes certifies that the cigarettes meet certain standards as having reduced cigarette ignition propensity which retard "full-length burns."

http://www.legis.ga.gov/legis/2007_08/fulltext/sb418.htm

Status: In Committee

SB 472, Anti-cigarette Smuggling Act, sponsored by senators David Shafer, (R) 48th District, Chip Rogers, (R) 21st District, Ross Tolleson, (R) 20th District, Bill Hamrick, (R) 30th District and Doug Stoner, (R) 6th District, would require the Department of Agriculture to utilize appropriate new technology which would implement a digital based cigarette stamp process.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb472.htm

Status: In Finance Committee

HB 1138, Tax on Moist Snuff, sponsored by representatives Mike Coan, (R) 101st District, Earl Ehrhart, (R) 157th District, Tom Knox, (R) 24th District, Ben Harbin, (R) 118th District, Jon Burns, (R) 157th District and Jay Roberts (R) 154th District, would add an excise tax of 15¢ per ounce of moist snuff.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1138.htm

Status: In Committee

HB 1197, Increasing the Excise Tax On Cigarettes by \$1, sponsored by representatives Ron Stephens, (R) 164th District, Chuck Sims, (R) 169th District, Steve Tumlin, (R) 38th District, Virgil Fludd, (D) 66th District, Al Williams, (D) 165th District and Howard Mosby, (D) 90th District, would raise the state tobacco tax from 37 cents per pack to \$1.37. Stephens would like a part of the \$500 million that would be raised annually to go toward tax credits for Georgians to buy health insurance.

Speaker Pro Tem Mark Burkhalter (R-Alpharetta), however, did not sound optimistic about the proposal's chances. "We continue to stick by our mantra of no new taxes," Burkhalter said. "If the idea he wants to fund is worthy, we'll try to find money in the budget."

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1197.htm

Status: In Ways and Means Income Tax Subcommittee

Credit Legislation

HB 130, Credit File Freeze, sponsored by representatives Calvin Hill, (R) 21st District, James Mills, (R) 25th District, John Meadows, (R) 5th District, Terry England, (R) 108th District and Tommy Benton, (R) 31st District, was amended on floor to limit fees to \$3 (compared to \$10 in the un-amended bill). Other provisions including the need for a certified letter for the initial freeze request and a 10-business-day period for receipt of a pin from the credit reporting agency were kept in place. The act would be effective August 1, 2008, if passed by the Senate.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb130.htm

Status: Amended and passed by House on 1/30/08

SB 361, the Credit File Freeze Bill, sponsored by senators Chip Rogers, (R) 21st District, William Hamrick, (R) 30th District, David Shafer, (R) 48th District, Johnny Grant, (R) 25th District, Gregg Goggans, (R) 7th District and Cecil Staton, (R) 18th District. The primary differences between the House bill and Senate bill is that HB 130 requires a certified letter to request a freeze, while the Senate version would require internet or phone service to do so; and (2) the Senate bill allows a \$5.00 fee, while the House has a \$3.00 fee.

Link to Senate bill: http://www.legis.ga.gov/legis/2007_08/sum/sb361.htm

Status: In Committee

Employment Legislation



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SB 383, Georgia Affordable HSA Eligible High Deductible Health Plan, sponsored by senators Judson Hill, (R) 32nd District, Ronnie Chance, (R) 16th District, Ralph Hudgens, (R) 47th District, Chip Rogers, (R) 21st District, and Joseph Carter, (R) 13th District, is the Governor's healthcare bill. The bill would promote, approve, and encourage to provide the use of HSA's by having the Commissioner of Insurance adopt policies to promote, approve, and encourage health savings account eligible high deductible plans in Georgia; to provide for exemptions from certain unfair trade practices for certain wellness and health promotion programs, condition or disease management programs, health risk appraisal programs, and similar provisions in such plans; to provide for health reimbursement arrangement only plans that encourage employer financial support of health insurance or health related expenses.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb383.htm

Status: In Committee

SB 403, Prompt Payment of Wages Upon Separation, sponsored by senators Steve Henson, (D) 41st District, Gloria Butler, (D) 55th District, Ronald Ramsey, (D) 43rd District, Kasim Reed, (D) 35th District and Horacena Tate, (D) 38th District, would provide for prompt payment of wages to an employee following his or her resignation or discharge no later than or at the next regular pay period for such employee.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb403.htm

Status: In Committee

SB 404, Georgia Health Marketplace Act, sponsored by senators Tommie Williams, (R) 18th District, Greg Goggans, (R) 7th District, Ralph Hudgens, (R) 47th District, and Chip Rogers, (R) 21st District, is the Lieutenant Governor's health care bill. The bill would create Georgia Health Marketplace (GHM) which would provide oversight for all moneys provided by the federal government and/or private agencies which help identify health care products and technologies, designed to allow consumers comparison shopping for health care services. Health care vendors would enroll with the GHM. The primary focus would be Peachcare for Kids and other government programs.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb404.htm

Status: In Committee

HB 901, Parent Protection Act, sponsored by representatives Roger Bruce, (D) 64th District, Margaret Kaiser, (D) 58th District, John Lunsford, (R) 110th District, Bill Hembree, (R) 67th District, Howard Mosby, (D) 90th District, and Freddie Sims, (D) 151st District, would require that employers provide employees with time off (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.

http://www.legis.ga.gov/legis/2007_08/search/hb901.htm

Status: Bill was heard in committee and assigned to a subcommittee for further study.

HB 923, Providing for Two Insurance Choices, sponsored by representatives Carl Rogers (R) 26th District, Ben Harbin (R) 118th District, Mark Burkhalter (R) 50th District, and Jay Shaw (D), 176th District would require insurers offering insurance to small businesses (defined by the bill as from 1 to 99 employees) to offer at least two choices of approved accident and sickness insurance products to health insurance consumers. It would allow insurers to impose up to 18 months' preexisting condition limitations upon any sole proprietor small group if such sole proprietor cannot furnish evidence of prior creditable coverage from prior group or individual health insurance coverage or prior employer group self-funded coverage.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb923.htm

Status: In Committee

HB 1221, Defining Health Insurance Contract Group as Two, sponsored by representatives Howard Maxwell, (R) 17th District, Jerry Keen, District, (R) 179th District, Carl Rogers, (R) 26th District and John Meadows, (R) 5th District, would redefine as two (currently 100) the number of employees needed for providing life, health, disability, retirement, or similar benefits.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1221.htm

Status: In Insurance Committee

HB 1278, Low Cost Health Insurance, sponsored by representatives David Ralston, (R) 7th District, David Casas, (R) 103rd District, Steve Davis, (R) 109th District, John Meadows, (R) 5th District and Tim Bearden, (R) 68th District, would authorize any health care insurer to offer health benefit plans which are not subject to limitations on level of reimbursement.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1278.htm

Status: In Committee

FEES

SB 439, Prohibiting Fees for Pawn Brokers, sponsored by Senator Ronnie Chance, (R) 16th District, would prohibit municipalities, counties, or local governments from enacting local laws or ordinances that would require the payment of any fee or tax related to a pawn transaction or purchase.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb439.htm

Status: In Committee

HB 973, Georgia Trauma Hospital Support Act of 2008, sponsored by representatives Harry Geisinger, (R) 48th District, Sharon Cooper, (R) 41st District, Wendell Willard, (R) 49th District, Austin Scott, (R), 153rd District and DuBose Porter, (D) 143 District, would add \$1.00 per month for wireless subscriber to fund trauma care.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb973.htm

Status: In Committee

HB 1028, A 2% Fee on Money Orders and Money Transmission, sponsored by representatives Tom Rice, (R) 51st District, Barry Fleming, (R) 117th District, Jerry Keen, (R) 179th District, James Mills, (R) 25th District, and Calvin Hill, (R) 21st District, would to apply a 2% fee to the money transmission business for all money transmitted. It would provide for a 20% deduction by the agent selling of the transmission. A bona fide taxpayer would be able to collect a credit against his/her taxes for the wire transmission fees. Therefore, it is primarily aimed at illegals and non-taxpayers. The monies raised through this bill would be applied to trauma care.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb1028.htm

Status: In Committee

Pharmacy Legislation

SB 338, Prohibiting Prior Authorization for Prescriptions, sponsored by senators Jack Murphy, (R) 27th District, Lee Hawkins, (R) 49th District, Don Thomas, (R) 54th District, Bill Heath, (R) 31st District, and Tommy Williams, (R) 19th District, would preclude the practice of prior authorization of prescriptions by insurance carriers. Generally, this is done to require brand name drugs rather than generic equivalents.

http://www.legis.ga.gov/legis/2007_08/fulltext/sb338.htm

Status: In Committee

SB 457, Georgia MethCheck Data Base, sponsored by senators Gloria Butter, (D) 55th District, Robert Brown, (D) 26th District, Kasim Reed, (D) 35th District, Steve Henson, (D) 41st District and Ronald Ramsey, (D) 34rd District, would establish the Georgia MethCheck data base for electronically recording the identity of those individuals purchasing certain medications used for the production of methamphetamine, including pseudoephedrine. At this time, the state does not have a centralized real-time electronic logbook that can record purchases of products containing ephedrine, pseudoephedrine, and phenylpropanolamine. The bill infers but does not clearly state that only pharmacies would be allowed to sell the products listed above.

http://www.legis.state.ga.us/legis/2007_08/pdf/sb457.pdf

Status: In Committee



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HB 1042 (Substitute Bill), Prohibiting Prescription Substitution in Specific Cases, sponsored by Sharon Cooper, (R) 41st District, Joe Wikinson, (R) 52nd District, Ed Rynders, (R) 152nd District, Gene Maddox, (R) 172nd District, Tom Dickson, (R) 6th District and Doug Collins, (R) 27th District, would prohibit a pharmacist from substituting prescription for a patient undergoing immunosuppressive therapy without prior consent of the patient and prescribing physician. This bill is targeted primarily at epilepsy medications.

http://www.legis.ga.gov/legis/2007_08/sum/hb1042.htm

Status: In House Rules Committee

Worksite Legislation

HB 89, Firearm; carrying and possession, change provisions, sponsored by representatives Timothy Bearden, (R) 68th District, Billy Horne, (R) 71st District, Mark Hatfield, (R) 177th District, Gene Maddox, (R) 172nd District and Tommy Smith, (R) 168th, would:

- Allow those with a concealed carrying permit to carry a gun onto private property, including a work place, unless the owner of that property has a policy against guns on the property.
- Preclude an employer from having as a condition of employment a prohibition against those with a licensed, concealed carry permit onto the company's parking lot, unless the owner of the property has such a policy.
- Would exempt employers from allowing licensed, concealed carry permit holders if the parking lot is secured by means of a gate, security station, or security officer.
- Section 3 (e) of the bill provides blanket immunity for an employer, property owner, or property owner's agent from civil or criminal actions resulting from damages arising out of an occurrence involving the transportation, storage, possession, or use of a firearm, unless the employer knew that the person using the firearm would commit such criminal activity on the employer's premises.
- Protect the employment of will provision whereby an employee may be fired for carrying a gun against policy.
- Give Georgia motorists who carry firearms in their vehicles the ability to carry the firearms anywhere they wish, rather than being limited to a glove box or console or somewhere in plain set.
- Require any legal complaints to be handled by the Attorney General.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb89.htm

Status: In conference Committee; passed by the House on 2/12/07; amended and passed by Senate on 1/17/08

SB 351, State Water Plan, sponsored by senators Bill Cowser, (R) 46th District, Ross Tolleson, (R) 20th District, John Bulloch, (R) 11th District, Tommy Williams, (R) 19th District, and Vance Smith, (R) 52nd District, would provide for a joint State-wide Water Planning Oversight Committee.

http://www.legis.ga.gov/legis/2007_08/sum/sb351.htm

Status: Passed by the Senate on 2/12/08

HB 915, "Second Amendment Protection Act of 2008", sponsored by Representative Tim Bearden, (R) 68th District, would make wide changes to the state's gun laws.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb915.htm

Status: In Committee

HB 940, Prohibiting Microchip Implantation, sponsored by representatives Ed Setzler, (R) 35th District, Barry Loudermilk, (R) 14th District and Tyrone Brooks, (D) 63rd District would make it a civil crime with a

penalty of up to a \$10,000 fine to require a person to have a microchip implanted, other than on a voluntary basis.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb940.htm

Status: In Committee

HB 946, Require High Efficient Plumbing Fixtures, sponsored by representatives Karla Drenner (D), 86th District, Tom McCall, (R), 30th District, John Lunsford (R), 110th District, Stephanie Stuckey Benfield (D), 85th District, and Michele Henson (D), 97th District, would preclude the construction or sale of private and/or commercial properties unless high efficient faucets, toilets, urinals and shower heads were installed and would require replacing old fixtures with high efficiency models.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb946.htm

Status: In Committee

HB 952, Storage of Scrap Tires, sponsored by Representative Virgil Fludd (D), 66th District, would institute tighter controls of the storage of scrap automobile tires.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb952.htm

Status: In Committee

HB 956, Appeal of Zoning Judgments and Rulings, sponsored by representatives Doug Holt, (R) 112th District, Wendell Willard, (R) 49th District, Jay Roberts, (R) 154th District, and Terry England, (R) 108th District, would provide for direct appeal of zoning decisions.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb956.htm

Status: In Committee

Alcohol Legislation

SB 56, Direct Shipment of Wine, sponsored by senators Renee Unterman, (R) 45th District, Cecil Staton, (R) 18th District, Don Balfour, (R) 9th District and Seth Harp, (R) 29th District, would provide for the direct shipment of certain quantities of wine to Georgia residents over the age of 21.

Committees

http://www.legis.ga.gov/legis/2007_08/sum/sb56.htm

Status: In Regulation Industries and Utilities Committee

SR 71, Creation of a Alcohol Regulation Senate Study Committee; sponsored by senators David Shafer, (R) 48th District, Chip Rogers, (R) 21st District, Jeff Mullis, (R) 53rd District, Preston Smith, (R) 52nd District, Seth Harp, (R) 29th District and Don Thomas, (R) 45th District, would create the Senate Study Committee on Alcohol Regulations

http://www.legis.ga.gov/legis/2007_08/search/sr71.htm

Status: Regulated Industries and Utilities Committee

SB 137, Sunday Sales, sponsored by senators Seth Harp, (R) 29th District, Doug Stoner (R) 6th District, David Adelman (D) 42nd District, John Bulloch (R) 11th District, Vincent Fort, (D) 39th District, and Curt Thompson (D) 5th District, would authorize the sale of alcoholic beverages on Sunday, beginning at 12:00 Noon,

http://www.legis.ga.gov/legis/2007_08/search/sb137.htm

Status: Recommitted to Regulated Industries and Utilities

SB 357, Direct Shipment of Wine, sponsored by senators Rene Unterman, (R) 45th District, Cecil Staton, (R) 18th District, Bill Cowsert, (R) 46th District, Seth Harp, (R) 29th District, and David Shafer, (R) 50th District, *would the direct shipment of wine to Georgia residents as well as the collection and submission of retail sales tax on such purchases.*

http://www.legis.ga.gov/legis/2007_08/fulltext/sb357.htm

Status: In Committee

HB 912, Limiting the Sale of Alcohol, sponsored by representatives Mary Margaret Oliver, (D) 83rd District, Kevin Levitas, (D) 82nd District, Ed Lindsey, (R) 54th District, Fran Millar, (R) 79th District, and Don Wix, (D) 33rd District, would regulate the sale of alcoholic beverages for consumption on the premises



CAPITAL RETAIL REPORT



in any county or municipality to make it unlawful to sell alcohol for consumption of the premises from 2:30 A.M. until 9:00 AM each day of the week and weekend.

http://www.legis.ga.gov/legis/2007_08/fulltext/hb912.htm

Status: In Committee

For previously reported House and Senate Bills please link to:

http://www.georgiaretail.org/governmentaffairs/documents/2008CRRPreviouslyReportedBills_000.pdf

FDA Considers Pharmacist-Dispensed Third Class Of Drugs

The FDA is considering a new class of drugs that would be available without a doctor's prescription but instead would be dispensed after a consultation with a pharmacist. It is currently unknown which drugs might fall into this "behind the counter" category.

Thank you.

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Georgia Retail Association

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 - and 2004 sales of \$115.2 billion.