



CAPITAL RETAIL REPORT

April 24, 2009

COMPREHENSIVE LISTING OF RETAIL LEGISLATIVE ISSUES AND THEIR FATE

This Year the Georgia Retail Association tracked 137 bills that would, if enacted into law, have some impact on the retail sector. A list of bills that we tracked during the 2009 Session of the Georgia General Assembly and their fate can be found below.

Please remember, bills introduced in 2009 remain alive for the 2010 session.

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

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 28th 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

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



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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 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

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

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

HR 9 – Freedom of Ownership Act, sponsored by Republican Representatives Ed Setzler, (R) 35th and Melvin Everson, (R) 106th 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

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

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

HR 27 – Abolishing Property Taxes, Substituting Sales Taxes, sponsored by representatives Bobby Franklin, (R) 43rd, Barry Loudermilk (R) 14th, and Jill Chambers (R) 2081st, 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

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

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

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) 35th, Horacena Tate, (D) 38th, Nan Orrock, (D) 36th, Vincent Fort, (D) 39th and Emanuel Jones (D) 10th,



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would create a special tax districts in all cities which employ in excess of 1,500 police officers and 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

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) 54th, 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

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) 18th and Randy Nix, (R) 69th, 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

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) 163rd, Ron Stephens, (R) 164th, Butch Parish, (R) 156th, Kevin Levitas, (D) 82nd, Austin Scott, (R) 153rd, and Fran Millar, (R) 79th, 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

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

HB 480, sponsored by representatives Harry Geisinger, (R) 48th, Alan Powell, (D) 29th, Tom Rice, (R) 51st, Stacey Abrams, (D) 84th, and Alan Peake, (R) 137th, 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

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

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



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Status: Failed – not assigned to committee

HB 25 – Estimated Tax Liability Sales and Use Tax Returns, sponsored by Representative Martin Scott, Republican 2nd, 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

Status: Failed – held in House Ways & Means Committee

HB 39- Increasing Excise Tax on Tobacco, sponsored by Ron Stephens, (R) 164th, would increase excise taxes on cigarettes from 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

Status: Failed – held in House Ways & Means Committee

SB 39 - 1% Sales Tax for Transportation Projects, sponsored by senators Jeff Mullis, (R) 53rd, Doug Stoner, (R) 6th, Tommie Williams, (R) 19th, Kasim Reed, (D) 35th, Chip Rogers, (R) 21st, and Tim Golden, (D) 8th, 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

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) 146th, Jim Cole, (R) 125th, Jimmy Pruett, (R) 144th, Rich Golich, (R) 34th, and Buddy Harden (R) 147th, 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

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) 109th, Barry Loudermilk, (R) 14th, Mark Hatfield, (R) 177th, Ed Setzler, (R) 35th, Melvin Everson, (R) 106th and Tom Graves, (R) 12th, 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

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) 169th, 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

Status: Failed – held in House Ways & Means Committee



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HB 67 – Removing Sales Tax Exclusion From Food Sales, sponsored by Representative Chuck Sims, (R) 109th, 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

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

HB 97 – Sales Tax Holiday, sponsored by representatives Stephanie Benfield, (D) 85th, Mark Williams, (D) 178th, Matt Ramsey (R) 72nd, and Kevin Levitas, (D) 82nd, 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

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

HB 120 – Sales Tax Holiday, sponsored by representatives Lynn Smith (R) 70th, Katie Dempsey (R) 13th, Willie Talton (R) 145th, Michael Harden (R) 147th, and Alan Powell (D) 171st, 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

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) 130th, Kathy Ashe, (D) 56th, Mary Margaret Oliver, (D) 83rd, Pat Dooley, (D) 38th, Pat Gardner, (D) 57th, 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

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) 126th, Allen Peake, (R) 137th, Larry O`Neal, (R) 146th, and Jay Roberts, (R) 154th, 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



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

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

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) 5th, would assess a statewide one cent sales tax to fund PeachCare for Kids.

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) 18th and Randy Nix, (R) 69th, 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

Status: Failed – held in House Ways & Means Committee

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

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) 47th, 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

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) 146th, 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

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) 25th 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



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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

Status: Failed – held in House Ways & Means Committee

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

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) 146th, would disallow the shielding of income received through a real estate investment trust.

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) 52nd, Ron Stephens, (R) 164th, Mike Coan, (R) 101st, Jimmy Pruett, (R) 144th, DuBose Porter, (R) 143rd, 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

Status: Failed – held in House Ways & Means Committee

HB 419 - Income Tax Credit For Solar Domestic Water Heaters, sponsored by representatives Lynn Smith, (R) 70th, Earl Ehrhart, (R) 36th, Ron Stephens, (R) 164th, Rich Golich, (R) 34th, Mike Jacobs, (D) 80th, and Stacey Abrams, (D) 84th, 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

Status: Failed – held in House Ways & Means Committee

HB 427 – Redefining an Enterprise Zone, sponsored by representatives Ron Stephens, (R) 164th, Wendell Willard, (R) 49th, Al Williams, (R) 165th, Cecily Hill, (R) 180th, and Craig Gordon, (D) 162nd, 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

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



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HB 438 - Income Tax Credits For Qualified Jobs And Projects, sponsored by representatives Larry O'Neal, (R) 146th and Ron Stephens, (R) 164th, 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

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) 146th and Ron Stephens, (R) 164th, would provide income tax credits for retraining staff.

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) 2nd, Tom Graves, (R)12th, Sean Jerguson, (R) 22nd, Kevin Levitas, (D) 82nd, Jay Roberts, (R) 154th, and Mike Jacobs, (R) 80th, 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

Status: Failed – held in House Ways & Means Committee

HB 458 – Local Collection Of Sales And Use Tax, sponsored by Allen Peake, (R) 137th, Chuck Sims, (R) 169th, Charles Martin, (R) 47th, Ron Stephens, (R) 164th, Margaret Kaiser, (R) 59th, and Virgil Fludd, (R) 66th, 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

Status: Failed – held in House Ways & Means Committee

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

http://www.legis.ga.gov/legis/2009_10/fulltext/hb482.htm

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

HB 485 – Jobs Tax Credit for Retailers Increasing Port Traffic, sponsored by Representative Larry O'Neal, (R) 146th, will grant any business enterprise located in a tier two or tier three county which has a distribution facility of greater than 650,000 square feet, and which was in operation in this state prior to December 31, 2008; and which distributes product to retail stores owned by the same legal entity or its subsidiaries as such distribution facility; and has a minimum of 8 retail stores in this state in the first year of operations; and has increased its port traffic of products during the previous 12 month period by more than 10 percent above its base year port traffic is qualified to claim a job tax credit for jobs created before January 1, 2015.

http://www.legis.ga.gov/legis/2009_10/versions/hb485_LC_18_8240S_hs_4.htm

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



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HB 519 – Allowing An Income Tax Credit For Qualified Water And Energy Efficient Product Expenses

sponsored by representatives Virgil Fludd, (D) 66th, Howard Mosby, (D) 90th, Stacey Abrams, (D) 84th and Debbie Buckner, (D) 130th 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

Status: Failed – held in House Ways & Means Committee

HB 581 – Job Creation Act, sponsored by representatives Mike Coan, (R) 101st, Jeff May, (R) 111th, Billy Horne, (R) 71st, Pedro Marin, (D) 96th, Bobby Reese, (R) 98th and Buddy Carter, (R) 159th, 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

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) 7th, Lee Hawkins, (R) 49th, Tommie Williams, (R) 19th, Don Thomas, (R) 54th, Ed Harbison (R) 15th, and Bill Jackson, (R) 24th, 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

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 17th, 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

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

Status: Passed by both houses, but with different wording, as a result bill did not pass

SB 56 - Georgia StopMeth Log, sponsored by senators Gloria Butler, (D) 55th, Valencia Seay, (D) 34th, David Adelman, (D) 42nd, Robert Brown, (D) 26th, Kasim Reed, (D) 35th and Horacena Tate, (D) 38th, would require the state to establish and retailers to participate in a real-time, on-line pseudoephedrine



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reporting log. This bill was passed by the Senate on March 12th and referred to the House Non-Civil Judiciary Committee.

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) 146th, Jim Cole, (R) 125th, Jimmy Pruett, (R) 144th, Rich Golich, (R) 34th, and Buddy Harden (R) 147th, 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

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

SB 123 – Defining and Licensing Pharmacy Benefit Managers, sponsored by Lee Hawkins, (R) 49th, Jack Murphy, (R) 27th, Ralph Hudgens, (R) 47th, Don Thomas, (R) 54th and Tommie Williams, (R) 19th, 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

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

HB 194- Generic Substitution of Drugs, sponsored by representatives Fran Millar, (R) 79th, Sharon Cooper, (R) 41st, Tom Rice (R) 51st, Carolyn Hugley, (D) 133rd, and Rob Teilhet, (D) 40th, 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

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) 16th, Cecil Staton, (R) 18th, David Shafer, (R) 48th and Chip Pearson, (R) 51st, 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

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

HB 217 – Provision of Flu Shots, sponsored by representatives Jimmy Pruett, (R) 144th, Mickey Channell, (R) 116th, Buddy Carter, (R) 159th, Sharon Cooper, (R) 41st, and Ron Stephens, (R) 164th, 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

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



CAPITAL RETAIL REPORT

HB 273 - Georgia Prescription Monitoring Program Act, sponsored by representatives Ron Stephens, (R) 164th, Buddy Carter, (R) 159th, Buddy Harden (R) 147th, and Butch Parrish, (R) 156th, 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;
- (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

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) 164th, Butch Parrish, (R) 156th, Buddy Carter, (R) 159th, Harden of the 147th, and Bobby Parham, (D) 141st, 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

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) 164th, Butch Parrish, (R) 156th, Buddy Carter, (R) 159th, Harden of the 147th, and Bobby Parham, (D) 141st, 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

Status: Failed – held by House Insurance Committee

HB 523 – Requiring Brand Name Pharmaceuticals, sponsored by representatives John Lunsford, (R) 110th, Sharon Cooper, (R) 41st, Ben Harbin, (R) 118th, Nikki Randall, (D) 138th, Sean Jergusson, (R) 22nd, and Mark Burkhalter, (R) 50th, 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

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



CAPITAL RETAIL REPORT

HB 614 - Georgia Prescription Monitoring Program Act, sponsored by Sharon Cooper, (R) 41st, and Ron Stephens, (R) 164th, 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

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) 20th, John Lunsford, (R) 110th, Robbin Shipp, (D) 58th, Calvin Hill, (R) 21st, Mike Cheokas, (D) 134th and Jimmy Pruett, (D) 144th, 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

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

HB 820 – Ban on Sharing Prescription Information, sponsored by Representative Marin, (D) 96th, would prohibit the sharing of records of patient identifiable prescription information, including the transfer, use, or sale for commercial purposes for patients assistance programs.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb820.htm

Status: Assigned to House Insurance Committee – no action taken this session

5. THEFT AND LOSS PREVENTION

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

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) 25th and Tommie Williams, (R) 19th, 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

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, 82nd 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



CAPITAL RETAIL REPORT

Status: Failed – passed by the House on 3/12/03, amended and passed by the Senate on 4/30/09, conference committee did not report the bill out

HR 22 – Protecting the Right to a Secret Ballot Vote, sponsored by representatives John Lunsford, (R) 110th, Edward Lindsey, (R) 54th, Kevin Levitas, (D) 82nd, Jerry Keen, (R) 179th, and Jan Jones (R) 46th, 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

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

HR 23 – Voicing Disapproval to the Employee Free Choice Act, sponsored by representatives John Lunsford, (R) 110th, Edward Lindsey, (R) 54th, Kevin Levitas, (D) 82nd, Jerry Keen, (R) 179th, and Jan Jones (R) 46th, is a resolution expressing disapproval of the enactment of legislation regarding labor union elections and urging the Georgia Congressional Delegation to reject such measures.

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) 64th, 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

Status: Failed – held in House Industrial Relations Committee

HB 38- Prohibiting Forced Microchip Implantation, sponsored by Republican Representative Ed Setzler, 35th, 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

Status: Failed - held in House Judiciary Committee

HR 71 – Urging Opposition to the Employee Free Choice Act, sponsored by Representative Larry O'Neal, (R) 146th, 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

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) 17th, Jerry Keen, (R) 179th, John Meadows, (R) 5th, Richard Smith, (R) 131st, Bill Hembree, (R) 67th and Quincy Murphy (D) 120th, 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 5th and by the Senate on March 18th.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb80.htm



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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) 113th, 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

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

SB 130 – Electronic Signatures for Lease-Purchase Agreements, sponsored by senators Jeff Mullis, (R) 53rd, and Chip Rogers, (R) 21st, 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.

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) 82nd, Mike Coan, (R) 101st, Richard Smith, (R) 131st, Butch Parrish, (R) 156th. And Tim Bearden, (R) 68th, 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

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

HB 290 - Minimum Wage, sponsored by representatives Doug McKillup, (D) 115th, Brian Thomas, (D) 100th, Stacey Abrams, (D) 84th, Stephanie Benfield, (D) 85th, ;Virgil Fludd, (D) 66th, and Winfred Dukes, (D) 150th, 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

Status: Failed – held in House Industrial Relations Committee

House Bill 330 - Relating To Workers' Compensation, sponsored by Mike Coan, (R) 101st, Bobby Reese, (R) 98th, Mark Hamilton, (R) 23rd, Tom Knox, (R) 24th, Pedro Marin, (D) 96th, 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 4th and out of the Senate Insurance and Labor Committee on March 18, 2009.

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 18th.

http://www.legis.ga.gov/legis/2009_10/fulltext/hr334.htm

Status: Passed by the House, awaiting transmission to Congress

HR 884 – Adverse Effect of FICA Credit Scoring, sponsored by representatives Pedro Marin, (D) 96th and Billy Mitchell, (D) 88th, would urge the United States Congress to study the FICA credit scoring system



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to determine what adjustments need to be implemented in order to avoid the adverse effect of lower scores on consumers during this economic downturn.

http://www.legis.ga.gov/legis/2009_10/fulltext/hr884.htm

Status – House First Reader – unassigned until 2010

7. LEGAL ISSUES

HB 10 – Access to Criminal History Records, sponsored by representatives Kevin Levitas, (D) 82nd, Matt Ramsey, (R) 72nd, Willie Talton, (R) 145th, and Larry O'Neal, (R) 146th, 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

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

HB 43 – Identifying Sellers to Scrap Metal Processors, sponsored by representatives Billy Mitchell, (D) 88th and Darryl Jordan (D) 77th, 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

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

SB 80 - Food Standards, Labeling, and Adulteration, sponsored by senators, John Bulloch (R) 11th, John Crosby, (R) 13th, George Hooks, (R) 14th, Ross Tolleson, (R) 20th, Ralph Hudgens, (R) 47th and Freddie Sims, (D) 12th, 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

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

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

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) 54th and Wendell Willard, (R) 49th, would legitimize electronic contracts and signatures as legal devices.

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) 82nd, Mike Coan, (R) 101st, Richard Smith, (R) 131st, Butch Parrish, (R) 156th. And Tim Bearden, (R) 68th, 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

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



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HB 200 – Failure to Wear Seats Belts, sponsored by representatives Harry Geisinger, (R) 48th, Bobby Reese, (R) of the 98th, and Calvin Hill (R) 21st, 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

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) 23rd, Doug Collins, (R) 27th, Barry Loudermilk, (R) 14th, Amos Amerson, (R) 9th, and Carl Rogers, (R) 26th, 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

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

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

http://www.legis.ga.gov/legis/2009_10/fulltext/hb308.htm

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

HB 381- Food Processing Reporting of Violations, sponsored by representatives Terry England, (R) 108th, Jay Roberts, (R) 154th, Kevin Levitas, (D) 82nd, Tom McCall, (R) 30th, and Billy Maddox, (R) 127th, 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

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) 80th, Edward Lindsey, (R) 54th, Wendell Willard, (R) 49th, Mike Glanton (D) 76th, Tom Weldon (R) 3rd, and David Ralston, (R) 7th, 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

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) 30th, Jay Roberts, (R) 154th, John Burns, (R) 157th, Bob Hanner, (D) 148th, and Lee Anderson, (R) 117th, 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

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

8. ELECTRONICS/TELEPHONE ISSUES



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HB 19 – Use of Cell Phones While Driving, sponsored by Representative Mary Margaret Oliver, a Democrat from Decatur (83rd), 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

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) 83rd, Ron Stephens, (R) 164th, Carolyn Hugley, (D) 133rd, Stacey Abrams, (D) 84th, and Matt Ramsey (R) 72nd, 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

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 72nd, Tom Rice, Republican 51st, Edward Lindsey, Republican 54th, 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

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

HR 139 - Telephone Subscriber Charges For Funding Trauma Services; sponsored by representatives Harry Geisinger, (R) 48th, Sharon Cooper, (R) 41st, Wendell Willard, (R) 49th, DuBose Porter, (D) 143rd, Mary Margaret Oliver, (D) 83rd, and Clay Cox, (R) 102nd, 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

Status: Failed – held by House Ways & Means Committee

HB 168 – Reselling Local Exchange Services, sponsored by representatives Clay Cox, (R) 102nd, Chuck Martin, (R) 47th, Bobby Reese, (R) 98th, Don Parsons (R) 42nd, and Jeff May, (R) 111th, 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

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) 48th, Sharon Cooper, (R) 41st, Wendell Willard, (R) 49th, Dubose Porter, (D) 143rd, Mary Margaret Oliver, (D) 83rd, 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

Status: Failed – held by House Ways & Means Committee

HB 267, Fair Practice Act – Telephones, sponsored by representatives Wendell Willard, (R) 49th and Joe Wilkinson, (R) 52nd, 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



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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) 137th and Joe Wilkinson, (R) 52nd, 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

Status: Failed – held by House Ways & means Committee

HB 451 - Electronic Warehousing Regulations, sponsored by representatives Mike Jacobs, (D) 80th, Edward Lindsey, (R) 54th, Willie Glanton, (D) 76th, Wendell Willard, (R) 49th and Mike Glanton (D) 76th, Tom Weldon (R) 3rd, and David Ralston, (R) 7th, 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

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

HB 846 – Disclosing the Terms of Phone Card Use, sponsored by Representatives Pedro Marin, (D) 96th and Billy Mitchell, (D) 88th, would require that the terms of phone cards be disclosed at the time of purchase, including all usage fees and per minute charges.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb846.htm

Status: Held in House Energy, Utilities and Telecommunications Committee

9. TRANSPORTATION

HB 22 – Seatbelts in Pickup Trucks, sponsored by representatives Mary Margaret Oliver (D) 83rd, Judy Manning (R) 32nd, Carolyn Hugley, (D) 133rd, Ron Stephens (R) 164th, and Stacey Abrams (D) 84th, 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

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

SB 23 - Safety Belt Contributory Negligence, sponsored by senators Lee Hawkins, (R) 49th, Chip Pearson, (R) 51st, Jack Murphy, (R) 27th, Jim Butterworth, (R) 50th, Don Thomas, (R) 54th and Greg Goggans, (R) 7th, 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

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) 29th and Tom Rice, (R) 51st, would set rules for common freight carriers operating in Georgia.

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) 169th, 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



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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

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) 9th, Ed Tarver (D) 22nd, Jeff Mullis, (R) 53rd, Doug Stoner, (R) 6th, Tommie Williams, (R) 19th and Chip Roger, (R) 21st, 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

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) 82nd, 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

Status: Failed – held by House Judiciary Committee

HB 828- Limiting Ladders on Vehicles, sponsored by Representative Hugh Floyd, (D) 99th, would prohibit the carrying of ladders stacked more than three high in a ladder rack.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb828.htm

Status: Held in House Motor vehicles Committee

10. FIREARMS

SB 9 – Removing the Requirement that Concealed Weapons Must Be Kept in a Holster, sponsored by Senator John Douglas, Republican 17th, 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

Status: Failed – held by Senate Judiciary Committee

SB 12 - Handgun Ammunition Coding System, sponsored by Senator Ronald Ramsey, Democrat 43rd, 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

Status: Failed – held by Senate Judiciary Committee

HB 259 – Requiring Firearm Training for Carry Permits, sponsored by Pedro Marin, (D) 96th and Joe Wilkinson, (R) 52nd, 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

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



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

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) 163rd, Ron Stephens, (R) 164th, Bob Bryant, (D) 160th, Buddy Carter, (R) 159th, Mickey Stephens, (D) 161st, and Craig Gordan, (D) 162nd, 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

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) 153rd, Earl Ehrhart, (R) 36th, Sean Jerguson, (R) 22nd and Tim Bearden, (R) 68th, 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

Status: Failed – held in House Ways & Means Committee

HB 819 – Permitted Licensed Carry Permit Owners to Carry in Restricted Areas, sponsored by Representatives Billy Horne, (R) 71st, Tim Bearden, (R) 68th, and Rick Austin, (R) 10th, would eliminate the prohibition against any person in possession of a valid carrying license issued pursuant to Code Section 16-11-129 from carrying a concealed weapon, carrying an explosive compound, firearm, or knife at public gatherings, carrying weapons within a school safety zone, at school functions, or on school property, carrying a firearm or weapon at a nuclear power facility.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb819.htm

Status – Held in House Judiciary Committee

HB 835 – Training For Obtaining A Carry Permit, sponsored by Representative Pedro Marin, (D) 96th, would require training for certain persons born on or after July 1, 1991 for licensing to carry a pistol or revolver, and would require that all carry permits contain a recent photograph .

http://www.legis.state.ga.us/legis/2009_10/fulltext/hb835.htm

Status: Held in Judiciary Non-Civil Committee

11. ALCOHOL and TOBACCO

SB 16 – Sunday Package Sales of Alcohol, sponsored by Republican senators Set Harp, 29th, Doug Stoner, Republican 6th, Don Balfour, 9th and Jeff Mullis, 53rd, 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

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

SB 68 – Prohibiting Alcoholic Beverages Sales Near Housing Property, sponsored by senators Jack Murphy, (R) 27th, Seth Harp, (R) 29th, Tim Golden, (D) 8th, Johnny Grant, (R) 25th, Cecil Staton, (R) 18th,



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and Don Balfour, (R) 9th 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) 22nd, Matt Ramsey, (R) 72nd, Roger Williams, (R) 4th, Alan Powell, (R) 29th, Billy Maddox, (R) 127th, 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

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) 22nd, Tom Dickson (R) 6th, Roger Williams (R) 4th, Alan Powell (D) 29th, and Billy Maddox (R) 127th, would authorize samplings of alcoholic beverages by licensed retailers.

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) 102nd, Mike Coan, (R) 101st, Brian Thomas, (D) 100th, Billy Mitchell, (D) 88th and Pedro Marin, (D) 96th, 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

Status: Failed – held in House Regulated Industries Committee

HB 138 - Sunday Sales of Alcoholic Beverages, sponsored by representatives Roger Williams, (R) 4th, Sean Jerguson, (R) 22nd, Wendell Willard, (R) 48th, Fran Milar, (R) 79th and Margaret Kaiser, (D) 79th 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

Status: Failed – held in House Regulated Industries Committee

HB 352 – Sunday Package Alcoholic Sales of Malt Beverages and Wine, sponsored by Roger Williams, (R) 4th, Tom Dickson, (R) 6th, Sean Jerguson, (R) 22nd, Margaret Kaiser, (D) 59th, and Brian Thomas, (D) 100th, 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

Status: Failed – held in House Regulated Industries Committee

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

http://www.legis.ga.gov/legis/2009_10/fulltext/hb353.htm

Status: Failed – held in House Regulated Industries Committee

HB – 355, Reclassifies "Little Cigars", representatives Roger Williams, (R) 4th, Tom Dickson, (R) 6th, and Sean Jerguson, (R) 22nd, would reclassify and define little cigars.



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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) 48th, Jill Chambers (R) 81st, and Chuck Sims (R) 119th, would create a State Board of Locksmiths.

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) 137th, 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

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

HB 427 – Redefining an Enterprise Zone, sponsored by representatives Ron Stephens, (R) 164th, Wendell Willard, (R) 49th, Al Williams, (R) 165th, Cecily Hill, (R) 180th, and Craig Gordan, (D) 162nd, 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

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) 30th, Jay Roberts, (R) 154th, John Burns, (R) 157th, Bob Hanner, (D) 148th, and Lee Anderson, (R) 117th, 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

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

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

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) 146th, 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 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

Status: Failed – held by House Rules Committee



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HB 828- Limiting Ladders on Vehicles, sponsored by Representative Hugh Floyd, (D) 99th, would prohibit the carrying of ladders stacked more than three high in a ladder rack.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb828.htm

Status: Held in House Motor vehicles Committee

13. ENERGY and the ENVIRONMENT

SB 31 - Georgia Nuclear Energy Financing Act, sponsored by senators Don Balfour, (R) 9th, Ed Tarver (D) 22nd, Chip Rogers (R) 21st, JD Powell (R) 23rd, Ross Tolleson (R) 20th and Mitch Seabaugh, (R) 28th 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

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) 131st, Bob Hanner, (R) 148th, and Bob Lane, (R) 167th 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

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) 11th, John Crosby, (R) 13th, George Hooks, (R) 14th, Ross Tolleson, (R) 20th, Ralph Hudgens, (R) 47th and Freddie Sims, (D) 12th, 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

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

HB 219 - 10 Percent Ethylene Glycol Antifreeze, sponsored by representatives Tommy Benton, (R) 31st, Terry England, (R) 108th, and Debbie Buckner, (D) 130th, 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

Status: Failed – held by House Rules Committee

HB 708 – Prohibiting the Sales of Food Named after a Controlled Substance, sponsored by representatives Roberta Abdul-Salaam, (D) 74th, Tyrone Brooks, (D) 63rd, Cecily Hill, (R) 180th, David Ralston, (R) 7th and Rashad Taylor, (D) 55th, would be unlawful to sell, distribute, or advertise any food product bearing on the labeling or packaging or advertising the name of any Schedule II controlled substance.

http://www.legis.ga.gov/legis/2009_10/fulltext/hb708.htm

Status: Held in House Judiciary Non-Civil Committee



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Thank you,

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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.