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Issue VII

Community Bankers Association of Georgia
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GENERAL COMMENTS

The Legislature was in session on Monday through Wednesday and came back on Friday of this week to complete the 28th Day of the 40-day session. As of press time, we are actively monitoring bills on crossover day. Since the day will likely go late into the night, updates listed below are as of press time. We hope there will be many updates on bills that we are monitoring after crossover day is complete. Please look for next week's update on bills that successfully crossed over.

[HB 192—Business Judgment Rule/Director Liability](#), by Rep. Beth Beskin (R), Atlanta, was heard by the [Kelley Subcommittee](#) of the House Judiciary (Civil) Committee on Monday, February 27th. Chairman Wendell Willard offered a substitute bill that was passed by the subcommittee on the same day. The bill was presented to the full Judiciary (Civil) Committee on Tuesday, February 28th. The committee passed the bill with amendments. The bill is an improvement from the status quo regarding director liability. The bill codifies the gross negligence standard by stating there is a presumption that directors and officers decision making processes were made in good faith and that such directors and officers have exercised ordinary care; provided, however, that this presumption may be rebutted by evidence that such process constitutes gross negligence by being a gross deviation of the standard of care of a director or officer in a like position under similar circumstances. We hope the House will vote on this bill during crossover day, but we want you to be aware that there is opposition on the bill by the minority party. As of press time, the bill has not been added to the House calendar.

[HB 143—Financial Institutions](#), by Rep. Bruce Williamson (R), Monroe, was passed by the Senate Banking and Financial Institutions committee on March 1st. This is the GA Department of Banking & Finance's

housekeeping bill, which we support.

NEW LEGISLATION THAT WE ARE TRACKING THIS WEEK

[HB 412—Electronic Lien and Title Commercial Vehicles](#), by Rep. Timothy Barr (R), Lawrenceville, would provide for the electronic submission of certain documents relating to registration and certificates of title of certain vehicles to the Department of Revenue; provide for denial of applications for commercial vehicle registration under the International Registration Plan in certain instances; and for other purposes. The bill was passed by the Motor Vehicles Committee as a substitute on February 23rd. CBA will continue to monitor this bill.

[HB 488—Discrimination in Housing, Public Accommodations, and Employment](#), by Rep. Stacey Evans (D), Smyrna, would prohibit discrimination in housing; protect the right to equal enjoyment of and privileges to public accommodations; prohibit discrimination in private and public employment; and for other purposes. The bill was assigned to the Judiciary Committee. CBA will continue to monitor this bill.

[HB 499—Georgia Personal Data Security Act](#), by Rep. Sheri Gilligan (R), Cumming, would improve systems and procedures for providing and regulating notifications of data breaches affecting Georgia residents; modify when notices of certain security breaches are required and to provide for the content of such notices; require certain entities to maintain certain data security procedures; require that certain notices of a data breach be sent to certain officials of this state; provide for enforcement by the Attorney General; and for other purposes. We believe this is an updated bill that would replace [HB 82](#) that was put on hold by the Judiciary Committee. The updated bill was assigned to the Judiciary Committee. CBA will continue to monitor this bill.

[HB 523—Industrial Loans](#), by Rep. Brian Strickland (R), McDonough, would prohibit the issuance of a license to issue industrial loans within a certain distance from a military base or installation; require certain disclosures related to insurance premiums on industrial loans in certain instances; prohibit persons engaged in the business of making industrial loans from issuing payment instruments which create a loan contract upon redemption, unless a previous contract has been entered into between the two parties; and for other purposes. This bill is similar to [SB 198](#) that was introduced by Sen. Elena Parent (D), Atlanta. The bill was assigned to the Industry and Labor Committee. The Committee passed the bill on March 2nd. CBA will continue to monitor this bill.

[SR 318—Senate Cyber Challenge Study Committee](#), by Sen. Harold Jones II (D), Augusta, would create

a Senate study committee composed of six members of the Senate to undertake a study of the conditions, needs, issues, and problems with cyber-attacks, cyber threats, and a demand for cyber security. CBA will monitor activities of this committee.

OTHER LEGISLATION WE ARE TRACKING THAT HAD ACTIVITY THIS WEEK

[HB 87—Corporate Registrations](#), by Rep. Brad Raffensperger (R), Johns Creek, was passed by the House on February 28th and referred to the Senate. The bill was read by the Senate on March 1st and was assigned to the Economic Development and Tourism Committee. CBA will continue to monitor this bill.

[HB 150—Toll Powers](#), by Rep. Alan Powell (R), Hartwell, was read by the Senate on February 23rd and was assigned to the Transportation Committee. CBA will continue to monitor this bill.

[HB 162—Setoff Debt Collection](#), by Rep. Betty Price (R), Roswell, was passed by the House on February 23rd. The bill was read in the Senate on February 24th and assigned to the Judiciary Committee. CBA will continue to monitor this bill.

[HB 197—Fair Business Practices Act](#), by Rep. Sam Teasley (R), Marietta, was put on the House Calendar for March 1st; however, the bill was postponed. CBA will continue to monitor this bill.

[HB 203—Condominiums](#), by Rep. Brian Strickland (R), McDonough, was passed by the House on February 24th by substitute. The bill was read in the Senate on February 27th and assigned to the Judiciary Committee. CBA will continue to monitor this bill.

[HB 204—Ad Valorem Taxation](#), by Rep. Brett Harrell (R), Snellville, was passed by the House on February 28th by substitute. The bill was read in the Senate on March 1st and assigned to the Finance Committee. CBA will continue to monitor this bill.

[HB 337—State Tax Execution Modernization Act](#), by Rep. Bruce Williamson (R), Monroe, was passed by the House on March 1st by substitute. CBA will continue to monitor this bill.

[HB 353—Title Pawn](#), by Rep. Brett Harrell (R), Snellville, was passed by the Regulated Industries Committee on March 1st by substitute. CBA will continue to monitor this bill.

[HB 357—Georgia Uniform Certificate of Title for Vessels Act](#), by Rep. Ron Stephens (R), Savannah, was passed by the House on March 1st by substitute. CBA will continue to monitor this bill.

[HB 381—Abandoned Mobile Home Act](#), by Rep. John Corbett (R), Lake Park, was heard by the Judiciary

Committee on February 27th. The Committee held the bill until the 2018 legislative session so that all parties interested in the bill can work on an amicable solution.

[HB 417—Abandoned Motor Vehicles](#), by Rep. Wendell Willard (R), Sandy Springs, was passed by the Motor Vehicles Committee on February 24th by substitute. CBA will continue to monitor this bill.

[HB 434—Eminent Domain](#), by Rep. Wendell Willard (R), Sandy Springs, was passed by the Judiciary Committee on February 24th. CBA will continue to monitor this bill.

[HB 441—Self-Settled Spendthrift Trusts](#), by Rep. Barry Fleming (R), Harlem, was passed by the House Banks and Banking Committee on Monday, February 27th. CBA will continue to monitor this bill.

[SB 2—The FAST Act—Fairness, Accountability, Simplification, and Transparency—Empowering our Small Businesses to Succeed](#), by Sen. Mike Dugan (R), Carrollton, was assigned to the House Small Business Development Committee. CBA will continue to monitor this bill.

[SB 71—Bankruptcy Exemptions](#), by Sen. Jesse Stone (R), Waynesboro, was passed by the Senate on February 21st and was referred to the House. The bill was read by the House on February 22nd and assigned to the Judiciary Committee. CBA will continue to monitor this bill.

FINAL COMMENTS

For a recap of key legislative issues throughout the session, please follow CBA's weekly *Legislative Updates* sponsored by James-Bates-Brannan-Groover-LLP, CBA's General Counsel, and provide us with any feedback you have. If you have questions about legislative issues or specific bills, please do not hesitate to contact [Rob Braswell](#) or [Lori Godfrey](#) by email or by calling the CBA office at (770) 541-4490 / (800) 648-8215. We continue to welcome and appreciate comments and input from community bankers regarding specific legislation and legislative issues.

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