

24 March 2017

LWVAF, Report from the Capitol, Week 11

The season has arrived for legislative gymnastics. This week the General Assembly completed Day 38. It will return Tuesday and Thursday for the final two days.

The budget for FY18 has passed. This is constitutionally required, and the only bill that must pass. It is on the governor's desk for his review. He has line item veto on each item in the budget. He may zero out the amount, but cannot make any other changes.

The format of this week is different to accommodate the volume of legislation. The first section indicates bills that have completed their legislative journey. The second section contains bills that are very much in play and will probably resolve some way. There are a great number of other bills that can get on the floor calendar and become viable for passage. If they make it, they will be on next week's report.

The Legislative Reception is scheduled for April 22, at 10 a.m. at St. Dunstan's Episcopal Church, 4393 Garmon Rd. The final report will be available then, and also posted on the website, www.lwvaf.org.

BOLD Bill Number = final passage
CA = constitutional amendment. Requires a 2/3s vote in each chamber and a majority vote in the next general election scheduled for November 2018.

In CHAMBERS – PASSED AND ON THE DESK OF THE GOVERNOR FOR SIGNATURE

BUDGET

HB 44 Ralston – 7 FY18. \$49 billion total, with \$25 billion in state funds and the rest in federal funds. Is based on a growth of 3.7%, considered conservative, and is \$652 million more than the amended FY17 budget. Budgeted are \$173 million for transportation, state employees and teachers get \$360 million, education gets \$242 million, higher education gets \$80 million, Teacher Retirement System and Employee Retirement get \$228 million, and the most disadvantaged seniors and children get \$123 million. Teachers and all state employees get a 2% raise, except state police which get a 20% increase, and DFCS workers and other high mobility employees get a 19% raise. Employee Retirement retirees get a 3% boost. And there is \$485,000 for the Senate to equip its rooms for video transmission of its meetings (my favorite).

CHILDREN

SB 175 Kennedy – 18 Juvenile courts may impose conditions on parents of children in need of services, delinquent, involved in a court's community based risk reduction program. Such conditions may be such things as insuring attendance at school, monitoring homework and studies after school, attending meetings requested by school personnel, participation with child in counseling or treatment and following their recommendations, providing transportation to the child to attend counseling, programs, and other court ordered services, providing instruction and guidance to improve behavior, banning some people from contact with the child, entering into and completing a substance abuse program, abstaining from offensive conduct against the child.

HB 391 Clark – 98 A newborn up to 30 days old may be left at fire stations or police stations, in addition to hospitals. *Currently, the child can be no older than one week.*

EDUCATION

HB 224 Belton – 112 Students who live in military housing on or off base may attend any school within the school system if space permits. Parent provides transportation. Effective with the 2017-18 school year. *If parent leaves the military, does the student have to transfer to the school in which the residence is located? There is some thought that*

this proposal and others for students in military families might be an asset when the next BRAC commission is looking at closing military bases.

HB 245 Williams – 168 Professional Service Commission is to establish a path for military spouses to get temporary teaching certification and endorsements.

HB 425 Chandler – 105 Urges local school systems to allow state mandated tests to be administered by paper and pencil at parent request. Discourages punitive actions for students refusing to participate in any mandated test, federal, state or local. DOE to provide examples of educational activity for student to engage in while others are taking the test. *If a law says one must take a test, then one must suck it up and take the test. Doing what is required is also part of education.*

HB 437 Dickey – 140 Recreates the 12-member Agriculture Education Advisory Committee to advise the SBOE on curriculum and other matters relative to education in the agriculture pathway.

HB 463 Dempsey – 13 **SIGNED** DECAL can set up a foundation to receive donations for use in early care and learning.

GOVERNMENT – COUNTIES AND CITIES

HB 14 Jones – 167 Sheriffs paid a salary only shall remit any fees collected to the county treasurer or fiscal officer within 30 days of receipt. *No consequences are itemized in this proposal. In other areas of commerce, cash deposits have to be done within much shorter periods of time, such as one or two days. This language inadvertently left out of a 2011 bill.*

GOVERNMENT – COURTS AND CRIMES

SB 18 Harper – 7 Retired state and local police officers may retain their badges and weapons if they leave under honorable conditions. Retired police officers from other states may have the same privileges of retired GA police officers by meeting POST requirements for annual recertification on their weapon. *Retaining badges and weapons is a perk of most state and many local law enforcement agencies under statute. This allows all agencies not already granted that authority to provide it for their retirees.*

HB 261 Werkheiser – 157 First offender status can be granted retroactively for persons sentenced between March 1968 and October 1982. Sentence must have been for less than one year and would have been eligible for first offender status if it had been available.

HEALTH

HB 157 Kelley – 16 Repeals the provision that physicians who advertise or hold themselves out to the public can be requested to provide evidence of their certification in their specialty. *The law created a monopoly for two entities that board certify physicians. The repeal gives the legislature a chance to start over with this situation of providers claiming to be certified when they are not or their credentials are less than preferred.*

HB 210 Lott – 122 Blood banks shall not be included in the term ‘clinical laboratory’ unless the blood or its parts are intended for the manufacturing of biological products and are regulated by the federal drug administration.

HB 241 Hawkins – 27 Krabbe disease is added to the conditions for which newborns can be screened at parental option. *This disease is caused by a recessive gene from those of Scot-Irish and Scandinavian decent. It causes brain cell destruction and is fatal if not treated by age 3 or 4 months. It is treatable and with a very high success rate. Cost of testing is very modest.*

HB 262 Lumsden – 12 Exempts stand alone dental plans from the requirement to provide a printed directory.

REVENUE/TAXATION

HB 238 Hatchett – 150 Property subject to conservation use which has solar generation for sale will not breach the covenant, but the acreage used therefor shall be removed from the covenant and be subject to property tax at market value.

HB 265 Efstration - 104 An income tax credit for establishing or relocating 50 or more quality jobs if a \$2.5 million acquisition of property for expanding or new construction for \$2500 or \$5000 per job created depending on the wages above the average in the county. An income tax credit and sales tax exemption for 18 months for a project for a facility that contains an art museum, symphonic hall, and theater owned by a charitable organization. A sales tax exemption for 3 years on admission tickets to a fine arts entity owned and operated by a non-profit whose primary mission is to advance the arts and to provide arts education and culturally significant programming and exhibits in GA.

HB 283 Knight – 130 **SIGNED** Aligns the GA tax code with changes in the IRS tax code.

HB 290 Watson – 172 The property tax exemption for farm equipment is extended to that which is leased-purchased in addition to that which is owned.

TRANSPORTATION/DRIVING

HB 320 Hitchens – 161 Counterfeit air bags sold, installed, or traded is a misdemeanor of a high and aggravated nature, currently a misdemeanor. *Counterfeit air bags can be dangerous by spewing metal parts if triggered, causing injury.*

LOCAL

HB 131 Bruce – 61 Expands the borders of the City of South Fulton to include the Fulton County Industrial District if the local constitutional amendment which created the Industrial District is repealed, HB 132.

HB 439 Beskin – 54 Two tax parcels are being deannexed from the City of Atlanta into the City of Sandy Springs. This bill will be effective only if HB 440 passes in the 2017 General Assembly. (HB 440 passed.)

HB 574 Raffensperger – 50 A Johns Creek city council or mayoral vacancy will require a special election to fill it, unless there is less than 6 months left in the term, when the council will appoint a successor. The mayor is to appoint a city manager with city council approval.

In CHAMBERS – PASSED IN DIFFERING VERSIONS YET TO BE RECONCILED

CHILDREN

SB 160 Harper – 7 Back the Badge Act of 2017. Superior court shall have primary jurisdiction of minors, age 13 – 17, for aggravated assault or aggravated battery on a police or other public safety officer in the line of duty. Imprisonment imposed will not be suspended, stayed, probated, or deferred by the sentencing judge. Any person causing public safety officers to be exposed to bodily fluids or materials while in the line of duty is guilty of a felony.

EDUCATION

SR 95 Black – 8 **CA** to divide ESPLOST proceeds between a county school system and any city school system therein. The split shall be based on the FTE in each system unless an agreement is reached between the systems for another formula which no longer has to be ratified by the legislature. If no agreement is reached, the school system with the higher enrollment may call a referendum for the area which it serves.

SB 149 Jones – 10 School resource officers may have training as defined by the GA Peace Officers Standards & Training Council if assignment of duties is to any K-12 school. The training is at least 40 hours and is not

applicable to officers who have had SRO training in the last 24 months. At a minimum the training shall cover search and seizure in a K-12 school, criminal offenses, gang awareness, drug awareness, interviews and interrogations, emergency preparedness, and interpersonal interactions with adolescents including encountering mental issues. Municipal probation officers must get POST training to have arrest powers. **HOUSE:** Tobacco cannot be brought into a penal institution or jail. First offence is a misdemeanor; second offence is a felony.

SB 186 Tippins – 37 Students completing high school through dual enrollment at technical colleges or via internet are eligible for a HOPE grant towards an associate’s degree. ***Students who take courses at a technical college while in high school are paid from a pot of money appropriated annually by the legislature. When the student has completed the work on the specific industry certificate, the student may be a few hours [15 or so] short of an associate’s degree. But the funding stream for the certificate will not pay for that additional coursework, and the eligibility for HOPE grant may not be met. This bill allows the lottery funded HOPE to complete the additional required hours for an associate’s degree.*** **House adds:** Kinship caregivers may be given authority to enroll a child in school and get medical care related to education, such as vaccinations. The caregiver will become the primary contact for that child’s education experience, and eligible to sign permission for field trips, extracurricular activities. The affidavit signed by the parent is good for 1 year and can be revoked at any time. No other parental powers are authorized, such as getting more comprehensive health care for the child, consenting to marriage, or approval for an abortion.

HB 338 Tanner – 9 A Chief Turnaround Officer, CTO, will be hired by the state board of education, work and consult with the state school superintendent, and report to the board. This person shall have at least 10 years of experience, advanced degrees, experience as a principal or higher for at least three years in a public school system, extensive experience in turning around failing schools. The CTO will then hire turnaround coaches to work with schools in the greatest need of assistance. These schools are identified by the CTO. Students will be screened within the first 60 days of the school being identified. An evaluation will be done by the turnaround team as to the needs in the school. Coaches will assist in creating local collaborations to address personal and community conditions such as poverty, lack of economic development, safety, transportation options for parents and students, adult educational opportunities, wellness, and mental health services. Each local board under a contract with DOE, currently 178 of the 180 school districts, will request changes to the contract to agree to receive and pay for assistance for its needy schools. Those without contracts will be held to current law for school underachievement. If after 2 years, the school is not improving and not cooperating with the CTO or following the turnaround plan, the CTO may consider the efforts as likely to make progress or require various adjustment by the local board of education including removal of school personnel, becoming a charter school, appointing a new principal, relocating students, allowing another school system to manage the school. If after 5 years, one half or more of a local school district’s schools are not improving, the governor can remove the school board members having served 2 years or more in a manner similar to removal when accreditation is lost. An Educational Advisory Committee, composed of several recognized educational groups, is to provide input on several areas such as CTO qualifications, and school district performance. A Leadership Academy is to be formed to train principals for low performing schools. A Joint Study Committee on the Establishment of a State Accreditation Process is created to audit financial responsibility and student performance. Southern Association of College and Schools, SACS, looks principally at governance. ***Plan B, the alternative to the failed Amendment 1. Familiar concepts. The CTO and CT coaches report to the governor through the state board of education appointed by the governor. The schools targeted have the lowest scores on the CCRPI report determined by the Office of Student Achievement, appointed by the governor. Paying for these new services will be through the local school systems in which these schools reside. The state school superintendent seems to be relegated to an advisory role, even though part of DOE is already doing very similar work. And there already exists a leadership academy, GLISI, GA Leadership Institute for School Improvement. Some positives. The CTO will be an educator and there will be vetting by the Educational Advisory Committee as well as the state school board. The author has taken input from any legitimate group that offered it, and accepted some of the recommendations. The students and schools stay with the school district. The mechanism of the school district contractually agreeing to have ‘outsiders’ in the school means the local board retains some oversight. This is the way DOE is using now to get into low performing schools. Districts which are implementing school improvement plans of their own choice will be bypassed for intervention if some progress is being made. Senate: Renamed the First Priority Act. The CTO is no longer required to have 10 years of experience or advanced degrees and will choose schools from the lowest 5% in student achievement. The Educational Advisory Committee has fewer people with the President of the***

Senate and the Speaker having two appointments each. Schools will have 3 years to show progress on the adopted plan. Paying for CTO and coaches is explicitly a state cost as is any third party brought in to help evaluate the school. There is \$1 million in the 2018 budget to hire the CTO and the coaches.

ELECTIONS/ETHICS

SB 258 Tillery - 19 City employees and officials who hold public money and refuse or fail to turn it over to the treasury shall be no longer eligible to hold office. *State and county officials are already under this requirement. Senate:* adds school districts.

GOVERNMENT – COURTS AND CRIMES

HB 341 Reeves – 34 For the purchase of sex from individuals in sexual servitude, the mandatory sentence is 24 hours in jail.

GOVERNMENT – ENVIRONMENT

HB 205 Meadows – 5 Regulates hydraulic fracking in GA to protect our underground fresh water supply. Increases drilling permit fee to \$500, now \$25. Raises bond maximum to \$100,000. Levies a severance tax on oil and gas extracted with 1/3 going to the county where the well is located and 2/3 to the state.

HEALTH

SB 4 Unterman – 45 Establishes the GA Mental Health Treatment Task Force to develop applications for a Medicaid Waiver and block grant funding. Legislative approval required before submission. There are 306,000 adults with serious mental illnesses in GA and less than one third are being served by the state. Examine the mental health treatments and resources currently in GA, what works best, and what changes are needed. Effective treatment may also necessitate substance abuse treatment. The task force is 17 members, 3 Senators, 3 House members, and 11 appointed by the governor from specified state departments. Report due 12-1-17.

SB 121 Miller – 49 The state health officer may allow opioid antagonists to be accessible under a standing order statewide. Each pharmacy shall record every opioid antagonist dispensed and keep records available for two years.

SB 153 Brass – 28 Licensed hearing aid dealers may sell ready-made and preprogrammed devices not requiring a prescription to those over 18. Devices must be approved by the FDA and able to adjust volume.

SB 200 Hufstetler – 52 Doctors and pharmacists may prescribe and dispense medications for chronic illnesses for less than 30 days so patients can synchronize refills.

SB 206 Martin – 9 Requires health insurance policies to cover hearing aids for children 18 years and under.

SB 242 Unterman – 45 Doctors contracting with Advanced Practice Registered Nurses to provide services without the doctor on site is expanded to 10, currently 4. The physician must review up to 15% of the charts of the APRN. *House: Doctors can contract with 8 nurses, with up to 4 being on duty at a time.*

HIGHER EDUCATION

HB 222 Blackmon – 146 Members of the GA National Guard or a reservist are residents of GA and eligible for HOPE. *Senate adds: Lottery proceeds which must be transferred to the state Lottery for Education Account are: in 2018, 26.5% of gross receipts; in 2019, 27.5%; and in 2020 and beyond, 28.5%. If lottery revenues decline by .5% or more, the percentage to be transferred does not rise. **This proposal requires a 1% increase per year for three years. The original lottery legislation required 35% of proceeds to be transferred to the lottery fund,***

with 30% in the first two years. There have been only one or two years since its inception in 1993 when 35% was transferred. Currently, about 25.5% is transferred.

REVENUE/TAXATION

HB 134 Epps – 144 A sales tax for transportation purposes for public transit, rails, and buses may be for 20 years. If the sales tax includes roads, bridges, airports, or seaports, it can only be for 5 years.

HB 340 Blackmon – 146 Leased vehicles will be charged title ad valorem taxes on what they pay for the term of their lease, not the full value of the vehicle. Vehicles new to GA will have a cap of \$1100. Used cars will pay on the sales price, not book value, except for self-financed vehicles which will pay based on book value. Exempted from the tax are title changes to relatives and because of divorce. ***The title ad valorem tax, TAVT, replaced the general ad valorem tax. It is paid once, when the title is transferred, and the proceeds split by the Revenue Department between county, city, and school districts based on a formula.***

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