

27 January 2017

LWVAF, Report from the Capitol, Week 3

This week the General Assembly met for four days, Day 5 to Day 8, and will return on Monday for four more legislative days.

The first bill out of either chamber is the passage by the House of the amended FY17 budget. All committees are now formed, and most have met to organize, adopt rules and perhaps hear from agencies they oversee. Legislators have been busy filing those bills to fulfill campaign promises and to meet caucus objectives. Senator McKoon of Columbus takes the prize for filing the most bills this week.

LWV of GA has announced Tuesday, February 21, as the League Day at the Legislature. Mark your calendars.

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

BUDGET

HB 43 Ralston – 7 **PASSED** House

AFY17. Very few changes were made. The governor's emergency fund received an appropriation for victims of the storms in So. GA. Equipment grants for technical education in high schools was included for \$3.5 million.

NEW LEGISLATION

EDUCATION

SB 3 Tippins – 37 S.Education & Youth

Creating Opportunities Needed Now to Expand Credentialed Training, CONNECT, is a grade 6-12 career education program which includes such work based learning such as internships, apprenticeships, cooperative education, service learning or employability skill development. Department of Education to develop the program with Technical College System of GA and may include industry credentialing. Updates to the K-12 capital outlay programs to include career education labs and facilities to support industry credentialing and may include funds for equipment grants. Adds industry credentialing to programs of schools eligible to receive students in the BRIDGE program, Building Resourceful Individuals to Develop GA's Economy. This and other industry credentialing programs are for schools which are low performing.

SB 24 McKoon – 29 S.Education & Youth

Nursery schools, playschools, kindergartens, and other programs for children age 0 to 6 are exempt from licensure if operated 4 hours/day or less and 4 days/week or less.

SB 26 McKoon – 29 S.Education & Youth

Local boards of education shall bid out professional services contracts over \$50,000 unless by a board vote the services are unique and can only be obtained from a single source. A guaranteed maximum price submitted by a construction manager at risk to a local board of education cannot be changed after execution of the contract.

SB 29 Fort – 39 S.Health & Human Services

Testing for lead in drinking water shall be required for child care learning centers and public and private schools. Parents are to be notified if findings include lead contamination. Remediation plans to be submitted to the Department of Public Health and posted on the school's web site and at the facility location.

SB 30 Fort – 39 S.Education & Youth

Creates Sustainable Community School Operation Grants to low performing schools and those in poverty communities, known as community schools. The effort requires community or business partners and an approved plan. Each grantee school shall have a 12-15 member leadership team of teachers, parents, residents, and community partners. High schools shall include up to 2 students on their leadership teams.

HB 114 Dickey – 140 H.Education

Bans local boards of education for excluding students from consideration of valedictorian or salutatorian if the student is enrolled in any dual enrollment courses. ***There has been resentment when students were named valedictorian or salutatorian while enrolled in dual credit courses and have higher grade point averages than students who took all course work at the school.***

ELECTIONS/ETHICS

SB 20 McKoon – 29 S.Ethics

Ballot questions to raise revenues shall be on the November date only. ***Bond issues, SPLOST, tax imposition.***

SB 22 McKoon – 29 S.Ethics

Any entity with a contract with the state over \$50,000 cannot make any contributions to a candidate or campaign committee for the office responsible for awarding such contracts. Penalties include voiding the contract, and waiting 3 years before being eligible to bid on any contract. The agency shall pay to the state the amount equal to the contribution.

SB 32 McKoon – 29 S.Ethics

Election and filing dates are returned back to those before the recent federal court decision. Filings would be in late April, primaries in July, runoffs in August. Electors voting under provisions of the federal Uniformed and Overseas Citizens Absentee Voters Act shall vote an IRV, instant runoff voting, ballot where the voter ranks candidates, during a primary, special election, or general election. ***The court indicated that the Uniformed and Overseas runoff ballots didn't have enough time to be mailed, voted, and returned by the required date to be counted. The time between a primary or general election and any runoff was extended to about two months. This proposal returns the runoff dates to 3 weeks after a primary and 4 weeks after a general or special election. It also allows legislative incumbents to raise money for the same time period as non-incumbents. The dates the court imposed caused filings for legislative offices to be in early March before the legislative session had adjourned when incumbents cannot raise campaign funds.***

SB 33 Butler – 55 S.Ethics

Adds the first Saturday in the advanced voting period as a required voting day. It also removes the exception allowed for Saturday voting to close the polls if it falls on a holiday. ***So somewhere on July 4, an advanced voting site will have to be manned.***

SB 34 Fort – 39 S.Ethics

Eliminates the identifications that may be used to vote absentee which have no photo - current utility bill, bank statement, government check, paycheck, or other government document showing name and address of the elector. The ballot shall be treated as a provisional ballot until the photo identity of the voter can be assured.

SB 35 Fort – 39 S.Ethics

A voter may register on election day and vote a provisional ballot by appearing at the precinct which serves the voter's residence. Or the voter may vote early by going to the permanent voter registrar or absentee ballot clerk during the advanced voting period.

SB 36 Orrock – 36 S.Ethics

Any state agency which stores digital copies of citizen's signatures shall automatically register a citizen to vote. The person may cancel the registration after notification from the Secretary of State of the registration. The Secretary of State shall not post the registration if the person is already registered or if there are questions about the person's citizenship. Persons automatically registered cannot cast an absentee ballot for 14 calendar days.

SB 37 Jackson – 2 S.Ethics

Advanced voting shall be the same time period as absentee by mail voting, i.e. 45 days.

SB 57 McKoon – 29 S.Ethics

Special primaries and elections shall be paid for by the state if not held with a general primary or election, less the amount of qualifying fees upon request of the local government. ***Currently, local governments must bear all costs of special elections and primaries when they have no control over any aspect of the vacancy.***

SB 59 Tate – 38 S.Ethics

Requires direct electronic recording (DRE) voting machines to produce a voter verified paper audit trail for units purchased after 1-1-18. The paper audit trail becomes the official ballot of record for recounting. ***Currently, the digital record is the official ballot. This bill requires only new machines to be equipped for paper audit trail, so there will be a mix of digital and paper ballots as official ballots until all existing DREs are replaced. When DREs were initially purchased in 2002, they cost \$54 million. Counties and cities have since purchased additional machines for early voting and to accommodate an increase in registered voters. It is possible that no machines will be purchased until all can be replaced when money is found.***

SB 62 Jones – 10 S.Ethics

Changes the composition of the Constitutional Amendments Publication board to 7 members, now 3, with two each appointed by the deans of UGA and GA State University law schools, and three appointed by the Supreme Court of GA. Effective 1-1-19. Enabling legislation for SR 71. ***Currently, membership is the Attorney General, Secretary of State, and legislative counsel.***

SB 64 Henson – 41 S.Ethics

Adopts the Agreement among the States to Elect the President by National Popular Vote. The Electoral College electors of each state adopting the agreement will cast their ballots for the winner of the national popular vote. Effective when states having a total of 270 electoral votes adopt the agreement. To date, states with about 160 electoral votes have signed the agreement. If the Electoral College is abolished, this agreement is void.

SR 71 Jones – 10 S.Ethics

CA to require that summaries of proposed constitutional amendments to be on the ballot be drafted by a 7 member independent body appointed by the deans of UGA and GA State University law schools and the GA Supreme Court. Enabling legislation is SB 62. ***Currently, the summaries are written and approved by the Attorney General, Secretary of State, and legislative counsel.***

HB 90 Gasaway – 28 H.Judiciary Non Civil

Local government officials must recuse themselves from any deliberations regarding purchase of real estate if the official has any substantial interest (25% or greater) in the property or in any firm which has such interest, or if a spouse or dependent has such interest.

GOVERNMENT - GENERAL

SB 17 Unterman – 45 S.Regulated Industries & Utilities

Sunday alcohol sales may begin at 10:30 a.m. in private establishments. Government owned facilities such as GA World Congress Center already have this privilege. ***Currently, private establishments may not serve alcohol until 12:30 on Sunday. There are about 4000 such establishments in the state.***

SB 19 McKoon – 29 S.Government Oversight

The state treasurer shall collect, maintain and publish all expenditures made by state entities to a vendor. The data base shall be searchable by amount, date paid, vendor, and state entity authorizing the expenditure and be available for 5 years. The treasurer shall also gather and post the usage statistics for the data base. The submitting agency shall be responsible for insuring that no confidential information is submitted for publishing.

SB 21 McKoon - 29 S.Agriculture and Consumer Affairs

Exempts the African pygmy hedgehog from wide animal licensing and permits, but documentation of spaying or neutering and vaccinations is to be provided.

HB 1 Spencer – 180 H.Judiciary and

SB 46 Ligon – 3 S.Science & Technology

Establishes the parameters for space flight in GA. Defines the liability for any injuries or property damage for space activities.

HB 60 Stephens – 164 H.Regulated Industries

Licensed distiller may apply to set up a retail package store at their distillery site, may establish a food service establishment on the site. Tasting room amounts increased to $\frac{3}{4}$ oz, currently $\frac{1}{2}$ oz.

HB 82 Gilligan - 24 H.Judiciary

An information broker or data collector shall provide notice to the individual when personal information about that individual is released to unauthorized persons whether the release is intentional, inadvertent, or accidental. ***Currently, notice is required when there has been a breach of security only.***

HB 87 Raffensperger – 50 H.Small Business Development

Annual registration of corporations, partnerships, and associations may be extended to 3 years by the Secretary of State.

GOVERNMENT – COURTS AND CRIMES

HB 5 Caldwell – 131 H.Juvenile Justice

Juvenile Court judges, not superior court judges assuming duties of the juvenile court, will have salary support from the state increased. Full time judges will receive \$100K state support; part time judges will receive lesser amounts depending on the number of days worked. Local governments may supplement this salary.

HB 86 Oliver – 82 H.Juvenile Justice

Those entities that are required to report child abuse to DFCS shall also include reporting acts of trafficking a person for sexual servitude.

HB 116 Reeves – 34 H.Judiciary Non Civil

Superior Court, rather than Juvenile Court, shall have original jurisdiction over minors charged with aggravated assault with use of a firearm and aggravated battery. The Superior Court may return it to Juvenile Court for jurisdiction.

GOVERNMENT – COUNTIES AND CITIES

SB 18 Harper – 7 S.Public Safety

Honorably retired security police officers of the GA Public Safety Training Centers may retain their badges and weapons. ***This is a perk available to most other state and many local law enforcement agencies.***

SR 34 McKoon – 29 S.Judiciary

CA to create a statewide jury to be summoned and empaneled by the state Supreme Court upon petition by the Attorney General. Membership would be 13 to 23 who would serve for one year. The jury may investigate and return indictments for crimes committed anywhere within the state and deal with any crime involving corruption in government at any level, fraud of goods or services provided by or to the Department of Community Health, election law violations, violations of oaths of public officials, bribery, false statement swearing, conspiracy to defraud the state at all levels, and any criminal activity for which the Governor has directed the Attorney General to petition the Supreme Court for the statewide grand jury.

SB 39 Unterman – 45 S.Judiciary

A second or subsequent conviction for pandering shall be a felony and require registration on the State Sexual Offenders Registry.

SB 42 Davenport – 44 S.Public Safety

Vehicular pursuit can be used only if probable cause exists for commission of murder, aggravated battery, kidnapping, false imprisonment, rape, armed robbery, or if there is a threat to another person of death, serious bodily injury or safety. ***It could not be used for such things as auto theft, breaking and entering, traffic offenses, or property damage.***

SB 45 Walker – 20 S.Judiciary

Bans ‘upskirting’. First conviction is a misdemeanor. Second conviction is a felony with 1-5 years imprisonment and/or a fine up to \$100,000.

HB 67 Boddie – 62 H.Judiciary Non Civil

Entering a motor vehicle with the intent to commit a theft or felony has an increased penalty of a \$5000 fine for the first conviction. For a second conviction, imprisonment is increased up to 5 years. For a third or subsequent conviction, imprisonment is up to 10 years. If the crime is at a gas station, the fine increases to \$100,000 and imprisonment is up to 15 years.

HB 88 Fleming – 121 H.Judiciary

A superior court judge shall vacate the office immediately if disbarred or suspended from the practice of law whether voluntary or involuntary.

HB 119 Kelley – 16 H.Retirement

Superior Court judges, state court judges, solicitor generals, or district attorneys currently members of the GA Judicial Retirement System but formerly members of the Employee Retirement System may have all contributions credited to them in the Employee Retirement System transferred to the Judicial Retirement System by 12-31-18 or within 90 days of becoming a member of the Judicial Retirement System.

HB 126 Willard – 51 H.Judiciary

Expands the Judicial Qualifications Commission to 10 members to be confirmed by the Senate. Seven shall be the Investigative panel and three shall be the hearing panel. The Investigative Panel shall have an attorney appointed by the governor, two judges appointed by the Supreme Court, one attorney and one citizen each appointed by the Lt. Governor and the Speaker of the House. The hearing panel shall be one citizen appointed by the governor, and one judge and one attorney appointed by the Supreme Court. ***Another change to the JQC approved by the citizens on the Nov 16 ballot.***

GOVERNMENT - EMPLOYMENT

SB 23 McKoon – 29 S.Rules

Conference committee members are not eligible for state employment, except as an elected official, for two years from the last date of serving on the conference committee. ***If passed, bill sponsors or committee chairs who deal with legislation for state entities could not be employed by the state immediately. It might also stop some from accepting judgeships.***

SB 28 Fort – 39 S.Insurance & Labor

The state minimum wage shall be \$15/hour and adjusted annually for cost of living as measured by the CPI. Does not apply to employers with annual sales under \$50,000, currently \$40,000. Employers of domestic employees, farmers, share croppers, and those who receive tips shall no longer be exempt.

SB 38 Parent – 42 S.Insurance & Labor

Services performed for wages shall be deemed to be employment unless the Department of Labor makes a contrary determination that the person paid is an independent contractor.

SB 60 Tate – 38 S.Insurance & Labor

Prohibits any differential in pay for equal work because of sex of the employee. Employer may not prevent employees from inquiring, discussing, or disclosing their wages or those of any other employee if the employee consents. Allows differential pay based on seniority, merit, piece work, education level, training, or experience.

GUNS & WEAPONS

SB 49 Heath – 31 S.Public Safety

A knife as a weapon is redefined as having a point or sharp edge and a blade longer than 12 inches. ***Currently defined as a cutting instrument with a blade greater than 5 inches. The new definition makes my 7 inch boning knife no longer a weapon, even though it is long enough to reach almost any organ in a human.***

HEALTH

SB 4 Unterman – 45 S.Health & Human Services

Establishes the 15 member 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. Effective treatment may also necessitate substance abuse treatment. Membership is 3 senators, 3 house members, and 9 appointed by the governor from specified state departments. Report due 1-1-18.

SB 7 Fort – 39 S.Health & Human Services

Authorizes appropriations so as to receive federal funding for Medicaid expansion. If the federal government fails to fund at least 90% of Medicaid expansion, the state appropriations are not required.

SB 8 Unterman – 45 S.Health & Human Services

Provides for procedures by health insurance plans and health providers for transparency to patients about costs and multiple providers called upon by the patient's physician for billing for services, especially if out of network. An extensive bill and most prescriptive.

SB 12 Unterman – 45 S.Health & Human Services

Authorizes a dentist, without being on site, to supervise up to 4 licensed dental hygienists in schools, hospitals, clinics, public health programs, volunteer community health settings, senior centers, and battered women's shelters. The hygienists must maintain professional liability insurance. Effective 1-1-18. Findings show:

- 1/3 of older adults have untreated tooth decay
- 1/4 of those ages 65-74 have severe gum disease
- 60,000 Georgians sought emergency dental care at Grady Hospital in 2009, costing \$25 million
- 118 of GA's 159 counties are considered areas of dental health professional shortage
- Professional preventative hygiene services can help prevent such conditions and is the most cost effective.

SB 25 McKoon – 29 S.Insurance & Labor

Creates the 11 member GA Health Care Transparency Initiative to create a data base of medical, dental, and pharmaceutical benefits available in the state. The data shall be a resource for assessment of health care utilization, expenditures, and performance, and hospital community health needs assessments. No individual identifying data is to be disclosed.

SB 31 McKoon – 29 S.Health & Human Services

The Department of Community Health board shall have two active members of the state health benefit plan, one a member of Employees Retirement System and one from Teachers Retirement System, one active and one a retired member. Creates the 12 member State Health Benefit Plan Customer Advisory Council to advise the Commissioner of Community Health. Each must be active or retired members of the state health benefit plan.

HR 36 Peake – 141 H.Judiciary Non Civil

CA to allow the legislature to regulate the production of cannabis (marijuana) and the sale of medical cannabis for medical uses, to dedicate the proceeds from the sales tax for same to support drug treatment.

SB 40 Unterman – 45 S.Health & Human Services

Emergency Medical Technicians may transport mentally ill patients if there is probable cause to believe treatment is required and a physician at the receiving facility concurs.

SB 41 Unterman – 45 S.Health & Human Services

Those who rent or sell durable medical equipment directly to customers are to be licensed for a 3 year term, except entities already licensed -- hospitals, ambulatory surgical centers, pharmacies and pharmacists, government owned health care facilities, skilled nursing facilities, assistant living facilities, licensed health care professionals who provide durable medical equipment within their scope of practice, suppliers of insulin and infusion pumps and related services, or manufacturers and wholesale distributors providing equipment directly to customers.

SB 47 Hufstetler – 52 S.Health & Human Services

Exempts from licensure a physician licensed in another state but traveling into GA with a sports team for training or competition. The physician is limited to serving the team members and staff.

SB 53 Seay – 34 S.Health & Human Services

Adult changing stations are to be installed in restrooms designated for the handicapped, special needs adults, or families at commercial public facilities with a capacity greater than 1000, such as an auditorium, convention center, cultural complex, exhibition hall, permanent amusement park structure, sports arena, or theater. Does not apply to any historic building or landmark museum.

SB 56 McKoon – 29 S.Insurance & Labor

Defines a 'physician profile' and its uses by the Commissioner of Insurance to rate physician quality of care. Used for patient reference when choosing a doctor. Data to be displayed in aggregate and not reveal specific

health insurers. Physicians may appeal within 120 days if data is incorrect or incomplete. During the appeal, the data or that provider shall not be disclosed to the public.

SB 61 Tate – 38 S.Health & Human Services

Establishes the GA Family Planning Initiative to distribute funds to agencies to provide high quality family planning services and related preventative health care. Priority given to low-income and uninsured or underinsured patients. Patient costs shall be on a sliding scale and no patient is to be denied services because of inability to pay. Unexpected complications shall be paid for by the patient.

SB 63 Tate – 38 S.Insurance & Labor

GA Family Medical Leave Act. Creates a program to compensate in part for the wage loss sustained by anyone unable to work due to illness or injury to themselves or a family member, or inclusion of a new child into the family. Provision to be made for 6 weeks of wage replacement benefits in any 12 month period. Employer may require an employee to take up to 2 weeks of earned but unused paid leave prior to becoming eligible for medical leave benefits. Rate of contributions to the medical Leave Fund for 2019 and 2020 will be .75% each. Enabling legislation for SR 73.

HB 65 Peake – 141 H.Judiciary Non Civil

For medical marijuana eligible patients, removes the requirement for ‘end stage treatment’ from a cancer, ALS, MS, Parkinson’s, or sickle cell diagnosis. Adds diagnoses of Tourette’s syndrome, autism, intractable pain, PTSD, Alzheimers, HIV, and AIDS to those eligible to be registered to legally possess medical marijuana.

SR 73 Tate – 38 S.Health & Human Services

CA to create the Family Medical Leave Fund to pay benefits to those who take leave from work due to illness, non-work related injury, sickness or injury of a family member, or a new child in the family. Contributions from employees and employers shall fund the program. Funds shall not lapse. Enabling legislation is SB 63.

REVENUE/TAXATION

SR 25 McKoon – 29 S.Finance

CA to reduce the income tax to 5.5% in 2018 and .5% in each succeeding year until the tax is zero. The General Assembly may impose for two years with a 2/3 vote a greater percent in an emergency. ***Currently, the income tax yields 50% of state revenues.***

SB 44 Burke – 11 S.Health & Human Services

Donors who make or apply to make a donation to a rural hospital organization shall not be publicly disclosed.

HB 58 McKoon – 29 S.Finance

Excise tax on hotel and motel room rentals of 5% is repealed. ***This tax was imposed in 2015 to raise additional funds for transportation projects. It had no open discussion before it was inserted into the conference committee report and has been resented by many legislators ever since.***

HB 80 Powell – 171 H.Ways & Means

Personal tax return information may be shared with members of the House Ways & Means and Senate Finance committees by the Department of Revenue. The tax information shall retain its privileged and confidential nature in the hands of committee members in the same manner as in the hands of employees of the Department of Revenue. Penalties for release of such information shall be the same for legislators as for DOR employees. ***The federal IRS cannot release personal tax returns to members of congress. This legislation does not define why state legislators must have such personal information.***

HB 125 Stephens – 164 H.Ways & Means

Personal property used to maintain, refit, or repair a boat during a single event if over \$500,000 is not sales taxable. The items must be securely attached to the boat, such as an engine, parts, equipment.

TRANSPORTATION, DRIVING

HB 68 Welch – 110 H.Transportation

Construction zones must provide for an emergency pull off area for the entire length of the construction zone. If 3 or more lanes in the same direction, zones must be on both sides of the road in the same direction.

HB 79 Pezold – 133 H.Public Safety & Homeland Security

Data captured by an automated license plate recognition system or any other source must be destroyed after one year and can only be accessed for law enforcement purposes. *No mention is made of usage for court or litigation purposes.*

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